

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.196 of 2025

Applicant : Shahbaz S/o Riaz Hussain  
through Mr. Najamuddin, Advocate

Respondent : The State  
through Ms. Rubina Qadir, Addl. P.G. a/w  
PI/IO Awais Iqbal

Date of hearing : 12.03.2025

Date of order : 12.03.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.823/2024 for the offence under Section 353/324/34 PPC of PS Defence, after his bail plea has been declined by the Addl. Sessions Judge-VI, Karachi South vide order dated 28.10.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that during exchange of fires, police party did not receive a single scratch; that the applicant was arrested and half-fried by the police; that the applicant has not committed any offence even the pistol was foisted upon him; that the applicant is in jail and he is no more required for further investigation. Lastly, he prays for grant of bail.

4. On the other hand, learned Addl. P.G. duly assisted by the I.O. has opposed for grant of bail and stated that applicant is habitual offender and previously involved in two theft cases; however, she admits that the police officials have not received any injury during the exchange of fires.

5. Heard the parties and perused the material available on record.

6. From the face of FIR, the incident took place between the police and accused persons but not a single scratch was received by the police party, even no bullet hit to the police Mobile available at the place of incident. However, the applicant was injured during exchange of fires and fell down and subsequently, he was arrested by the police on the spot. Whereas, claim of the learned counsel for the applicant is that first he was half-fried by the police and thereafter, booked in this case. He has also pleaded malafide on the part of police and further submits that he is no more required for further investigation. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The applicant/accused named above is granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- and P.R. bonds in the like amount to the satisfaction of learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA