

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.1218 of 2024.

Date	Order with signature of Judges
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For hearing of Bail Application.

28.10.2024.

Barrister Bahadur Bokhari, Advocate along with Applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General

Mohammad Karim Khan Agha, J:- Applicant Muhammad Jurial was booked in FIR No.242/2024 under Section 324/34 PPC registered at PS Surjani Town, Karachi. He applied for pre arrest bail before Court of XIIth Additional Sessions Judge (West) Karachi which was declined vide order dated 25.05.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that on 23.02.2024 at about 0130 hours the complainant and his brother went to his father’s grave on their motorcycle, at about 20:00 hours whilst returning home and reached Khadda Jump outside main road graveyard 03 named accused persons and 02 unknown accused intercepted them on two motorcycles and started firing at the complainant and his brother which caused injuries to both of them and felt down and thereafter taken to the hospital for treatment. Hence the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant and perused the record. I have also heard learned Addl. Prosecutor General Sindh who opposed the grant of bail.

4. The offence u/s.324 is attempt to murder, however, as per FIR attempt was made by 03 named persons and 02 unknown persons. Applicant is not named in the FIR. According to learned Addl. PG later on complainant in his Section 161 Cr.PC. statement implicated the applicant in this case as mastermind of the attack upon him. The only evidence against the applicant of planning the attack is the statement of the complainant who failed to mention the applicant as a planner of murder in his FIR. However, the

offence for which the applicant has been charged carry less than 10 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. Final challan has been submitted as such the applicant is no longer required for investigation.

5. Under these circumstances I find this to be a case of further inquiry hence pre-arrest bail granted earlier on 04.06.2024 to the applicant **Muhammad Jurial** is hereby confirmed on the same terms and conditions.

6. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court expeditiously. No adjournment on any flimsy ground shall be allowed. In the event if the applicant misuses the concession of bail, the complainant shall be free to approach relevant forum for cancellation of his bail. Copy of this order shall be sent to XIIth Additional Sessions Judge (West) Karachi for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE

MAK/PS