

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Appln. No. 2852 of 2025.

Cr. Bail Appln. No. 1562 of 2025.

Applicant	:	Abdul Jameel Ghulami through Mr.Hashmat Khalid, Advocate in Cr.B.A No. 2852/2025.
Applicant	:	Khaliq through Mr. Syed Zainuddin Agha, Advocate in Cr.B.A No. 1562/2025.
Complainant	:	Ashraf through Mr.Saeed Ahmed Khoso, Advocate.
Respondent	:	The State through Ms. Rubina Qadir, Addl. P.G.Sindh
Date of hearing	:	04.12.2025.
Date of order	:	04.12.2025.

O R D E R.

TASNEEM SULTANA-J.:- Through this common order I intend to dispose of both listed bail applications as they same have arisen out of same crime whereby applicants Abdul Jameel Ghulami and Khaliq are seeking post-arrest bail in Crime No.253 of 2025 registered at Police Station Boat Basin for offence under Sections 324, 34 PPC. Earlier same relief was declined to the applicants by the learned Additional Sessions Judge Karachi South vide orders dated 15.10.2025 and 24.5.2025. 2025 respectively.

2. Briefly stated, the facts of prosecution case are that on 09-04-2025 at about 1600 hours, the complainant Ashraf, resident of Flat No. B/7, Second Floor, Habib Center, Block-5, Clifton, Karachi, who is stated to be a Security Officer of Agha Khani Jamayat, left Bank Alfalah, Al-Jaffar Apartments, in his vehicle bearing Registration No. BH-3625, grey colour, Model 2019, along with a lady. While proceeding on the road, when he reached opposite Al-Jaffar Apartments, Clifton Block-5, at about 2:40 p.m., some unknown persons travelling in a black coloured car allegedly intercepted/crossed the complainant's vehicle and made straight firing upon him with the intention to kill. As a result thereof, the complainant received firearm injuries, one on his buttock and another on his left leg below the knee. The complainant thereafter contacted his friend Roshan, who shifted him to South City Hospital for medical treatment. The complainant alleged that he had

prior enmity with one Ikhlaq Afghani, who, along with his accomplices, attempted to commit his murder by firing upon him. Hence, this F.I.R.

3. Learned counsel for the applicants contended that the applicants have been falsely implicated with malafide and ulterior motives; that although their names appear in the FIR, yet no specific role has been assigned to them; that the complainant neither disclosed the physical description (hulia) nor identified the applicants at the spot; that no identification parade was conducted despite the applicants being stranger to the complainant; that no recovery of incriminating article or weapon has been effected from the possession of the applicants; and that the alleged confession before police has no legal value. It was further argued that the main accused Ikhlaq Afghani has already been granted bail by this Court, hence the applicants are also entitled to bail on the rule of consistency.

4. Learned APG opposed the application and supported the impugned order on the ground that applicants have been implicated by the prosecution witnesses. However, she could not controvert the factual position that no identification parade was conducted and no recovery was effected from the applicants.

5. Heard. Record perused.

6. It appears that name of applicants does not transpire in the FIR. No specific role has been attributed to them in the FIR and admittedly there is no eye witness of occurrence. No recovery is effected from the possession of applicants. The alleged confession before police, even if assumed to have been made, is inadmissible in evidence in the eyes of law and cannot be used to withhold the concession of bail. It is evident that the incident was alleged to have been committed by unknown assailants, and the complainant admittedly did not know the applicants prior to the occurrence. In such circumstances, holding an identification parade was essential, which admittedly was not conducted. Failure to hold an identification parade in cases of this nature creates serious doubt and makes the case one of further inquiry as envisaged under section 497(2) Cr.P.C. Reliance in this regard can be placed on the case of **Farman Ali v. The State [1997 SCMR 971]**, wherein the Supreme Court of Pakistan, inter alia, has held:-

“7. Holding of identification test becomes necessary in cases, where names of the culprits are not given in the F.I.R. Holding of such test is a check against false implication and it is a good piece of evidence against the genuine ulprits.....”

Reliance is also placed in the cases reported as **Zaigham Ashraf v. The State and others (2016 SCMR 18)** and **Haji Muhammad Nazir and others v. The State (2008 SCMR 807)** wherein it was held that ultimate conviction and incarceration of a guilty person can repair the wrong caused by mistaken relief of bail after arrest granted to him, but no satisfactory reparation can be offered to an innocent man for his unjustified incarceration at any stage of the case albiet his acquittal in the long run.

7. Although the offense under section 324 PPC entails punishment up to 10 years and attracts the stringency of the prohibitory clause of section 497 Cr.P.C. however, the concession of post-arrest bail can be withheld to an accused if the reasonable grounds to connect him with the commission of a crime are found lacking from the record. In the instant case, allegedly complainant was fired at by unknown accused. He alleged enmity with one Ikhlaq Afghani and claimed that under his instruction, such murderous assault is made by unknown accused, yet it is matter of fact that said co-accused **Ikhlaq Afghani**, against whom motive has been alleged, has already been admitted to bail by this Court. The case of the present applicants does not appear to be on a worse footing. Therefore, the rule of consistency also comes to the aid of the applicants. His continued incarceration of the applicant would serve no useful purpose. Reliance is placed on the case of in case of **Muhammad Tanveer vs. the State (PLD 2017 S.C. 733)**.

8. In view of the above discussion, both these bail applications were allowed by short orders dated 04.12.2025 and these are reasons thereof.

Needless to observe that the observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE