

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.

Criminal Bail Application No.1624 of 2025

Applicant : Muhammad Tanveer S/o Muhammad Ahmed,
Through M/s. Naveed Anjum, Raheel Samsam
Ali & Asad Ali Bugti, Advocates.

Complainant : Naeem-ur-Rehman,
Through Ahmed Ali Gabol, Advocate.

Respondent : The State
Through Mr. Mohammad Mohsin Mangi, APG.

Date of hearing : 21.09.2026.

Date of order : 07.10.2026.

ORDER

MIRAN MUHAMMAD SHAH, J. The learned Counsel for the applicant/accused has filed the present post-arrest bail application on behalf of the applicant/accused, who has been implicated in FIR No. 91 of 2024, registered under Sections 302 and 324/34, P.P.C., at P.S. Pak Colony, Karachi. His earlier application in Sessions Case No. 1896 of 2024, seeking the same relief, was dismissed vide order dated 19.03.2025 by the learned Additional Sessions Judge-III, Karachi West. Hence, the present bail application.

2. The accusation against the applicant, as contained in the FIR lodged by the complainant, is already available in the memo of bail application and, therefore, need not be reproduced herein.

3. I have heard the learned Counsel for the parties at length and have also heard the learned A.P.G. for the State.

4. The FIR relates to a murder case registered under Section 302, P.P.C. However, the present applicant/accused has been charged under Section 324, P.P.C., with the specific allegation that he caused an injury to one of the injured persons with the intention of causing his death, thereby attracting the offence of attempt to murder. The specific allegation against the applicant is that he actively participated in the occurrence by resorting to indiscriminate firing.

5. The incident in question occurred between two parties who were stated to be neighbours and who also had previous enmity. As per the complainant/prosecution, the incident initially commenced when firing was made upon one Abbas-ur-Rehman, who was the

uncle of the complainant and subsequently succumbed to his injuries while proceeding towards the Masjid for Asr prayers. Thereafter, sporadic firing took place between the two parties. Since both parties resided in the same neighbourhood, one of the individuals allegedly ran towards his house, whereupon the complainant and one of his cousins also followed him. The complainant party suspected that the said individual had fired upon the complainant's uncle, resulting in his death. While the complainant and his cousin were pursuing him towards his house in an attempt to apprehend him, further sporadic firing took place.

6. It is alleged that firing was thereafter carried out from the house of the accused persons, who, using deadly firearms, fired directly upon the complainant and his companions, resulting in injuries to the complainant's cousin, namely Asad. Since the parties were neighbours and the entire incident occurred within the same locality, the complainant was in a position to recognize and identify the persons allegedly involved in the firing. The occurrence not only resulted in injuries but also created panic and chaos throughout the neighbourhood, as the sound of gunfire emanating from the particular house instilled fear among the residents of the locality.

7. The applicant/accused was one of the persons allegedly firing from the window of the house and was specifically nominated in the FIR, with a particular role attributed to him regarding indiscriminate firing. The challan reveals that all the accused persons who allegedly fired upon the complainant party from the window of the house were apprehended at different stages and are in custody, except one co-accused who was granted bail on the ground that she was a female and an elderly person. The remaining four accused, including the person allegedly responsible for the fatal firing, have been implicated in connection with the death of Abbas-ur-Rehman, the complainant's uncle.

8. The complainant is an eyewitness to the entire occurrence, which, according to the prosecution, was brutal in nature and caused fear and chaos among the residents of the locality. His version, being that of an eyewitness, cannot, at this stage, be discarded without recording and appreciating the evidence during the course of trial.

9. The medical evidence also prima facie corroborates the ocular account furnished by the prosecution witnesses. The material

available on record prima facie indicates that the present case involves common intention rather than an isolated individual act. It appears that the parties had a previous dispute, which initially resulted in one of the individuals being shot. Subsequently, when the complainant party attempted to apprehend the said individual, they were also subjected to firing, resulting in death and injuries.

10. In these circumstances, the accused persons cannot, at this stage, be segregated from one another, as the alleged acts appear to have been committed in furtherance of their common intention. The occurrence initially took place outside the Masjid and subsequently extended towards the end of the road. The evidence available on record prima facie identifies the accused persons, all of whom were known to the complainant as neighbours.

11. The present applicant/accused and the remaining accused persons stand on similar footing insofar as their alleged participation in the occurrence is concerned. However, the present applicant/accused cannot be considered in isolation when the remaining accused persons who have also been attributed similar roles of firing from the windows of the house. Therefore, the present applicant/accused cannot claim the benefit of bail merely on the ground of rule of consistency. The case of the present applicant/accused is distinguishable from that of the particular co-accused who was granted bail on the ground of her being a female and an elderly person.

12. The trial has already commenced, and two prosecution witnesses have been examined, whose statements are available on the record and who have fully supported the prosecution case. The police have also submitted the challan in support of the prosecution case, while several other witnesses are yet to be examined before the learned Trial Court for determination of the guilt or otherwise of the accused persons.

13. The case of the present applicant/accused is distinguishable from that of the co-accused who has been granted bail. The present applicant/accused is facing a charge under Section 324, P.P.C., which relates to an attempt to commit murder and, as alleged, attracts punishment falling within the prohibitory clause. Furthermore, the applicant/accused cannot, at this stage, be exonerated from the charge under Section 302, P.P.C., which carries the punishment of death or imprisonment for life, particularly when

the allegation of common intention under Section 34, P.P.C., has also been attributed to him. Therefore, at this stage, there exist sufficient reasonable grounds for believing that the applicant/accused is connected with the commission of the alleged offences. The nature of the allegations, the manner in which the occurrence allegedly took place, and the fear and chaos caused within the locality are also relevant considerations. The grant of bail is not a matter of course and can only be allowed where the circumstances of a particular case justify such relief. In the present case, no exceptional circumstances warranting the grant of bail have been demonstrated at this stage.

14. In view of the foregoing facts and circumstances, the applicant/accused has failed to make out a case for the grant of post-arrest bail. Accordingly, the bail application is dismissed. However, the learned Trial Court is directed to proceed with the matter expeditiously and conclude the trial, preferably within a period of three months from the date of receipt of this order, strictly in accordance with law.

JUDGE

