IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2956 of 2025

Applicant	:	Shah Faisal Khan son of Yousuf Khan Through Mr. Muhammad Hashmat Khalid, advocate
Complainant	:	Azizullah son of Rahim Gul Through: in person.
The State	:	Through Mr. Abrar Ali Khichi, Addl. P. G. Sindh.
Date of hearing	:	23.10.2026.
Date of order	:	23.10.2026.

O R D E R

***Jan Ali Junejo*, J.**— Applicant Shah Faisal Khan son of Yousuf Khan seeks pre-arrest bail in a case bearing Crime No. 346/2025, for offence under section 324/34 PPC registered at PS Peerabad, Karachi. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-X, Karachi West which was declined vide order dated 21.10.2025. He was admitted to interim pre-arrest bail by this court vide order dated 28.10.2025, now the matter is fixed for confirmation of interim bail or otherwise.

2. Brief facts of the case, as stated in the FIR, are that the complainant stated that he alongwith his family is residing at the given address and earning his livelihood through labour work. On 18.07.2025, at about 1830 hours, while he was present at his workplace in Ali Garh, he received a telephone call from his elder son, who informed him that Amanullah and Jawwad had been shot by some persons. Upon receiving the information, the complainant rushed to his house, where he found his son Noorullah, aged about 30 years, his grandson Jawwad, aged about 20 years, and a passerby namely Ahsanullah son of Sakhawat, aged about 25/30 years, lying in an injured condition, while several people had gathered at the spot. Upon inquiry, the injured persons and residents of the locality informed him that accused Faisal Tension alongwith his associates Bilal Charya and 4/5 unidentified persons, having a previous dispute with them, arrived there on motorcycles, abused them and opened fire upon them with their respective weapons with the intention to commit

their murder, as a result of which Noorullah sustained a firearm injury to his leg, Jawwad sustained a firearm injury to his right eye, and passerby Ahsanullah sustained a firearm injury to his abdomen. The complainant, therefore, approached the police to report the incident and sought legal action against the aforesaid accused persons for causing firearm injuries to the injured persons. Hence, this FIR.

3. Learned counsel for the applicants contended that the applicants are innocent and law-abiding citizens and have been falsely implicated in the case by the complainant with mala fide intention and ulterior motives to blackmail and pressurize them. He argued that the prosecution story is false, fabricated, concocted and an afterthought, and that the applicant has no nexus with the alleged occurrence. He further submitted that the FIR was lodged after an unexplained delay and that the names of the applicant was not mentioned therein, nor was any specific role attributed to him in the commission of the alleged offence. He also pointed out that the complainant had neither furnished the physical descriptions (hulia) nor any specific identification particular of the alleged assailants, rendering their identification doubtful. Learned counsel further contended that the complainant Azizullah and all the injured persons have no objection to the grant of bail and have voluntarily forgiven the applicants in the name of Almighty Allah without any coercion, particularly when the offence under Section 324 PPC is compoundable. He argued that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C., and that the case against the applicants calls for further inquiry. He maintained that the applicants are neither hardened, desperate nor habitual criminals, have no previous criminal convictions, and there is no likelihood of their absconding or tampering with the prosecution evidence. Lastly, he submitted that the police are repeatedly conducting raids at the residences of the applicants with mala fide intention to arrest, humiliate and harass them, whereas their apprehension of arrest is founded upon ulterior motives; hence, the applicants are entitled to the concession of pre-arrest bail.

4. Complainant Azizullah and injured Ameenullah and Jawwad submitted that the matter has been amicably resolved between the parties and have sworn an affidavit expressing no objection to the grant of bail to the applicant. They, therefore, stated that they have has no objection if the applicant is admitted to bail in the circumstances.

5. Conversely, the learned Addl. Prosecutor General Sindh formally opposed confirmation of pre-arrest bail to the applicant/accused.

6. I have heard learned counsel for the applicant, learned APG for the State and have examined the material available on record with their assistance.

7. The prosecution case, as reflected in the FIR, is that the accused persons, armed with firearms, allegedly arrived at the place of occurrence on motorcycles and resorted to firing, resulting in firearm injuries to three persons. However, a tentative assessment of the available material reveals that the applicant's specific role, his identification at the time of occurrence and the nature of his alleged participation in the commission of the offence require further examination. It is noteworthy that the complainant, in the FIR, has disclosed the names of certain alleged assailants, whereas the defence has disputed the identification of the applicant and contended that no specific role has been attributed to him. The question of identification, particularly in the absence of any specific physical description (hulia) of the alleged assailants in the FIR, requires consideration in the light of the evidence to be recorded during trial.

8. Another important aspect of the matter is that the alleged occurrence took place on 18.07.2025, whereas the FIR was lodged after a considerable delay, for which no satisfactory explanation has been brought to the notice of this Court. Such delay, when examined alongside the defence plea of previous enmity and false implication, raises a question requiring further inquiry at this stage. Furthermore, the complainant Azizullah, along with injured persons Ameenullah and Jawwad have categorically stated that the dispute has been amicably resolved between the parties. They have also submitted affidavits expressing their no-objection to the grant of bail to the applicant. Although the question of compounding the offence under Section 324 PPC is subject to the requirements of law and the permission of the competent Court, the voluntary no-objection expressed by the complainant and injured persons is a relevant circumstance to be considered while determining the question of confirmation of bail.

9. It is also pertinent to observe that the learned APG has opposed confirmation of bail; however, no exceptional circumstance has been pointed out which may justify the refusal of the concession of pre-arrest bail to the applicant. The mere fact that the allegations involve the use of

firearms and resulting injuries, though serious in nature, cannot by itself be treated as conclusive for refusing bail without examining the applicant's specific role and the material connecting him with the alleged occurrence. The questions relating to the identity of the assailants, the nature and extent of the injuries, the alleged motive arising out of previous enmity and the actual participation of the applicant are matters which require deeper appreciation of evidence and cannot appropriately be determined at this tentative stage.

10. In view of the foregoing discussion, I am of the tentative opinion that the applicant has succeeded in making out a case for confirmation of pre-arrest bail. Consequently, the interim pre-arrest bail already granted to the applicant Shah Faisal Khan son of Yousuf Khan vide order dated 28.10.2025 is hereby confirmed on the same terms and conditions.

11. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party before the learned trial Court.

The instant Criminal Bail Application is disposed of accordingly.

J U D G E