

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Bail Appl. No.173 of 2024

Date	Order with signature of the Judge
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For hearing of bail application  
21.01.2025.

Mr. Mallag Dashti, advocate for applicant.  
Mr. Zeeshan Ahmed, advocate for complainant.  
Ms. Rubina Qadir, DPG

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**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Applicant Naseer Ahmed is seeking pre arrest bail in Crime No.442/2024 U/s 302, 324, 427, 109, 34 PPC of P.S. Defence, Karachi. Applicant is present on interim pre arrest bail and matter is fixed for confirmation or otherwise.

2. As per brief facts, complainant has alleged in FIR that his cousin Muhammad Akram Abro with his son Shaharyar and others set out for Jacobabad from Karachi. On the way they were attacked by atleast 08 accused in which all the four inmates sitting in the vehicle were injured. In the hospital, cousin of complainant Muhammad Akram and his son died of the injuries. This incident took place on 26.07.2023 and on 02.08.2023 complainant registered FIR nominating as many as 20 accused. The role assigned to the applicant is that at his instance the offence was committed by the main accused due to enmity between the parties.

3. In the investigation applicant's location was found in Quetta on the day of incident. Even in the FIR, it is admitted that he was not present at the spot. Initially a report u/s 173 Cr.P.C. was filed in which applicant was exonerated by the I.O. In another investigation report, applicant has been arrayed as accused but prima facie nothing specific has been collected against him except words of complainant that at his instance the offence has been committed. Learned defence counsel has pleaded these facts in order to obtain bail.

4. His arguments have been rebutted by learned counsel for complainant and learned DPG. I.O. is present and confirms that applicant was not present at the spot and except that he was in contact with his son in law Zubair, who is main accused prima facie no evidence has been found. In the above facts and circumstances, the case against applicant requires further inquiry. Since enmity is admitted between the parties, his false implication cannot be ruled out either. In the investigation carried out by a senior officer viz. DSP, he has been exonerated due to lack of evidence. Therefore, insofar as applicant is concerned, the case is of two versions.

5. In view of above facts and circumstances, this application is allowed and the ad-interim pre arrest bail granted to the applicant is confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The Cr. Bail Application is disposed of.

**J U D G E**

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