

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**Cr. Bail Appl. No.777 of 2024**  
*(Fazal Mana vs. The State)*

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

**28.06.2024.**

Mr. Gul Faraz Khan, Advocate a/w Applicant  
 Mr. Riaz Ahmed Bhatti, advocate for complainant  
 Syed Mumtaz Ali Shah, Assistant Prosecutor General

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Applicant (Fazal Manan) is seeking pre-arrest bail in Crime No.82/2024, u/s 324, 34 PPC, registered at Police Station Bin Qasim, Karachi. He was admitted to ad-interim pre-arrest bail vide order dated 03.04.2024 and today matter is fixed for confirmation of interim pre-arrest bail or otherwise.

2. On account of previous enmity between the parties, who are original residents of Mohammad Agency, KPK applicant along with two other unknown accused accosted complainant party near Shah Town Lal Building, in front of Sharif Hotel on 06.03.2024. Applicant was armed with a pistol and he fired upon a nephew of complainant, namely, Tahseel Ahmed hitting lower part of his right leg blow knee. He was shifted to hospital and after that complainant appeared at Police Station and registered FIR.

3. Learned counsel for the applicants submits that two months before this incident father of the injured had murdered brother of accused Afzal against whom an FIR has been registered at same Police Station but he is still absconder. Only to pressurize the applicant party to come to terms with accused, this false case has been registered.

4. On the other hand, learned counsel for the complainant and learned APG have opposed bail.

5. I have considered submissions of the parties and perused material available on record. The old enmity between the parties is admitted in the FIR. It is not denied that two months before the incident brother of the applicant was murdered by the father of the victim. The injury is on lower part of the body of the victim and there is no evidence that applicant had repeated fires upon the victim though he was on his mercy. Therefore, *prima facie* applicability of section 320 Cr. PC is yet to be determined in the trial. Reportedly, the injury

sustained by the victim is punishable for only 07 years and does not fall within prohibitory clause U/s 497(i) Cr. PC. In view of the above facts and circumstances, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order dated 03.04.2024 is hereby confirmed on same terms and conditions.

6. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

**JUDGE**

**Rafiq/P.A**