

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**Cr. Bail Appl No.252 of 2018**

Date	Order with signature of Judge
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*Present:-*

*MR. Justice Muhammad Iqbal Kalhor.*

*Mr. Justice Muhammad Karim Khan Agha.*

**For hearing of Bail Application.**

**22.05.2018.**

Mr. Muhammad Ibrahim Abro, Advocate for applicant  
 Mr. Ali Haider Salim, DPG

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** By this order, we dispose of above bail application, whereby the applicant is seeking post arrest bail in case bearing crime No.355/2017, U/s 353, 324, 34 PPC R/W Section 7 Anti-Terrorism Act (ATA), 1997, registered with Police Station Landhi, Karachi.

2. It is alleged in the FIR that police party of Police Station Landhi headed by SIP Kashif Barkat was on patrol duty during which they received a spy information regarding four (04) accused available at Khuramabad, Street No.6, Landhi, Karachi in suspicious condition. On such information, they reached the pointed place and tried to arrest the accused but they started firing at the police, which was responded by the police in which two accused received firm arm injuries on their legs. The police, however, succeeded in arresting three (03) accused including the applicant, whereas, their fourth companion made his escape good. From the applicant no weapon was recovered, however, from co-accused namely Arshad Ali and Muhammad Shahid a pistol each was recovered. Necessary formalities were completed and the applicants were brought at Police Station, where the relevant cases including the present one were registered against them.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that the case against the applicant requires further inquiry because at the time of alleged incident he was not armed with any weapon, therefore, his participation in encounter with the police is a question, which will be determined by the trial court.

4. On the other hand, learned DPG has opposed grant of bail to the applicant but he has not been able to deny that applicant was not armed with any weapon at the time of incident and therefore, insofar as allegation u/s 324 PPC against him is concerned, it requires further inquiry into his guilt. The question whether the applicant had shared common intention with the other accused, who had allegedly fired at the police, is to be determined in the trial.

As for recovery of stolen motorcycles from the applicant is concerned, we have been informed that he is facing a separate trial in this respect. We, in these circumstances are of the view that the applicant has been able to make out a case for grant of bail. Accordingly, this bail application is allowed. The applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one hundred thousand) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

5. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

**J U D G E**

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Rafiq/P.A.