

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1468 of 2024

Applicant : Muhammad Haris S/o Abdul Rasheed Niazi
through Mr. Muhammad Riaz, Advocate

Respondent : The State
through Mr. Saleem Akhtar Buriro, Addl. P.G.
a/w I.O. ASI Shahid Farooq of PS Karli

Date of hearing : 11.02.2025

Date of order : 11.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.83/2024 for the offence under Sections 324/506/34 PPC registered at PS Bughdadi, after his bail plea has been declined by the learned Additional Sessions Judge-XI, Karachi South vide order dated 27.04.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. In pursuance of Court's order, I.O. is present and files compliance report which is taken on record. As per compliance report, reason of death of the victim Ismail is cardiopulmonary arrest, which is a natural death.

4. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that the FIR is delayed for 02 days for which no plausible explanation had been given by the complainant; that in fact the injured Ismail aged about 73 years abused the present applicant thereafter the said incident took place, otherwise the applicant had no intention to commit the said offence; that charge has been frames and the evidence of the complainant has been examined. Lastly, he prays for confirmation of bail.

5. On the other hand, Mr. Abdul Rehman, Advocate holding brief for Malik Khushhaal Khan Khattak, Advocate for the Complainant, requests that matter may be kept aside as the latter is busy before another Bench; however, his request is declined. Learned Addl. P.G. opposes for bail on the ground that Section 324 PPC is very much applicable in this case.

6. Heard the parties and perused the material available on record.

7. Admittedly, victim Ismail aged about 73 years, who abused the present applicant when he was riding on his motorbike and as such the said incident took place. However, as per Doctor's report, death of the victim is because of cardiopulmonary arrest, which is a natural death and the victim was passed away almost after 7/8 months of the incident. Since the trial is in progress; charge has been framed and the witnesses have been examined. Reliance is placed in the case of **Rehmatullah v. The State (2011 SCMR 1332)** wherein the Hon'ble Supreme Court of Pakistan has held that the courts should not grant or cancel bail when the trial is in progress and proper course for the courts in such a situation would be to direct the learned trial Court to conclude the trial of the case within a specified period.

8. In view of the above, learned counsel for the applicant has made out case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The interim pre-arrest bail granted to the applicant/accused vide order dated 03.07.2024 is hereby confirmed on same terms and conditions. The Applicant is directed to attend the trial. However, it is made clear that if the applicant/accused misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE