

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.2809 of 2024

Applicant : i. Aziz-ur-Rehman S/o Ali Shah  
ii. Hameedullah Khan S/o Adila Khan  
iii. Amirullah Khan S/o Adila Khan  
iv. Azizullah S/o Adila Khan  
through M/s. Salahuddin Khan Gandapur,  
Safir-uddin Khan Gandapur and Sana  
Kheshgi, Advocates

Respondent : For State:  
Through Ms. Rahat Ahsan, Addl. Prosecutor  
General, Sindh

For Complainant:  
Mr. Tahir-ur-Rehman, Advocate

Date of hearing : 25.02.2025

Date of order : 25.02.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicants/accused seek pre-arrest bail in Crime No.227/2024 for the offence under Sections 324, 34 PPC registered at PS Mithadar, after their bail plea has been declined by the learned Additional Sessions Judge-VI, Karachi South vide orders dated 29.11.2024.

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. Per learned counsel for the applicants, applicants are innocent and have falsely been implicated in this case; that not a single person has received any scratch on the body to believe that the applicants have fired upon the complainant party; that memo of recovery of the empty recovered from the place of incident was made on 21.11.2024 after about 24 hours; that no bullet mark was found on the car; that case has been challaned and the applicants are no more required for further investigation. Lastly, he prays for confirmation of bail to the applicants.

4. On the other hand, learned Addl. P.G. and learned counsel for the complainant have vehemently opposed for grant of bail and stated that accused persons have fired upon the complainant party; however, he admits that complainant party has not received in bullet injury.

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

6. From perusal of record, it reflects that on the day of incident, accused persons came to Biryani shop of the complainant and fired upon him but he has not received any bullet injury or simple scratch to believe the same; hence, Section 324 PPC is not applicable in this case at this stage, whereas, Section 34 PPC is bailable. No mark of bullet was found on the vehicle which also confirms that no bullet was hit to the car as stated in the FIR. Further, learned counsel for the applicants has pleaded malafide on the part of complainant that due to dispute over parking, the complainant made a false story and lodged the instant FIR. At bail stage, only tentative assessment is to be made and deeper appreciation is not permissible.

7. In view of the above, learned counsel for the applicants 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 applicants/accused vide order dated 02.12.2024 is hereby confirmed on same terms and conditions. The Applicants are directed to attend the trial. However, it is made clear that if the applicants/accused misuse the concession of bail, learned trial Court would be at liberty to take appropriate action.

8. 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 applicants/accused on merits.

JUDGE