

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1940 of 2024

Date: _____ **Order(s) with signature(s) of Judge(s)**

For hearing of bail application :

16th May, 2025

Mr. Muhammad Imran Khan, Advocate for the Applicant, present along with the Applicant (on interim bail).

Mr. Qamaruddin Nohri, Assistant Prosecutor General Sindh.

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KHALID HUSSAIN SHAHANI, J.-- Applicant Rehan son of Ahsanuddin seeks post-arrest bail in a case bearing crime No. 467 of 2024, offence under Sections 324 and 34 of PPC of Police Station Preedy, Karachi. His earlier bail plea was declined by the court of learned XIth Additional Sessions Judge Karachi South vide order dated 22.08.2024.

2. I have heard learned counsel for the Applicant as well as the learned Assistant Prosecutor General Sindh representing the State.

3. The Applicant stands implicated for causing firearm injury to the complainant, namely Ahsan Ali. However, the medical certificate produced on behalf of the complainant reveals that the injury sustained is described as “ghayr-jaifah mutalahimah,” which is recognized as a non-life-threatening wound, punishable with imprisonment up to three years. Learned counsel for the Applicant submits that the authenticity and accuracy of the medical report have been challenged before the Medical Board. Despite issuance of several notices, specifically dated 10.08.2024, 07.09.2024, 28.09.2024, and 12.10.2024, the complainant/injured party has failed to appear before the Medical Board for re-examination. Copies of the said correspondence are placed on record.

4. Additionally, the FIR was lodged after an unexplained delay of about one month, which casts a significant shadow of doubt over the prosecution's case. It is noted that the Applicant has been attending court regularly since being released on interim bail, and there exists no material on record to indicate any misuse of the concession granted to him.

5. Furthermore, there is no concrete evidence on the record at this stage to demonstrate that the Applicant was armed with a firearm at the relevant time. The determination as to whether the Applicant caused Qatl-e-Amd or otherwise serious injury to the complainant shall be adjudicated upon trial after full appreciation of evidence.

6. It is also pertinent to observe that the investigation qua the Applicant has reached its culmination and the challan has been submitted; hence, the Applicant is no longer required for any further investigation.

7. In view of the foregoing, I am satisfied that the Applicant has successfully established a prima facie case entitling him to the benefit of pre-arrest bail in terms of Section 497(2) of the Code of Criminal Procedure, 1898. Accordingly, the instant bail application is hereby allowed, and the interim bail earlier granted to the Applicant on 29.08.2024 stands confirmed subject to the same terms and conditions.

J U D G E