

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2310 of 2025

Muhammad Alam son of Mujeeb-ur-Rehman.....Applicant/Accused

Versus

The State.....Respondent

Date of Hearing : 21.10.2025

Date of Short Order : 21.10.2025

For the Applicant : Mr. Hasnain Ali, Advocate.

For the complainant : None present.

For the State : Ms. Seema Zaidi, Addl: P.G a/w
P.I Noor Alam, P.S Mubina Town.

ORDER

TASNEEM SULTANA, J: Through this criminal bail before arrest application, the applicant Muhammad Alam son of Mujeeb-ur-Rehman seeks post-arrest bail in Crime No.341 of 2025 registered at Police Station Mubina Town, under Sections 324/34 PPC. Earlier his bail plea was declined by the learned Vth Additional Sessions Judge, Karachi East vide order dated 25.07.2025.

2. Brief facts of the prosecution case as narrated by the complainant in the FIR are that he is doing transport business; on 07.07.2025, he was riding my motorcycle towards Maskan Chowrangi Street; at about 1330 hours, when he reached Commissioner Society Main Road, he saw two persons on a motorcycle; one of them, holding a pistol, was looting a family at gunpoint. Complainant raised an alarm, upon which the man holding the pistol fired at him with intent to kill. The bullet struck the ground. On hearing the shot, he saw the pistol-holder get off the motorcycle and run away into the lanes on foot. Meanwhile, the motorcycle rider lost balance, fell along with the motorcycle, and complainant, with the help of the gathered people, apprehended him. Upon checking, he noticed a black mark of a firearm injury on the back of the apprehended person. Someone had already informed Police Helpline 15, and within a few minutes, a police mobile arrived, led by ASI Ghulam Haider. Complainant narrated the entire incident to him, who then took the apprehended accused into custody. In the presence of P.C, upon inquiry, the

arrested accused disclosed his name as Muhammad Alam son of Mujeeb-ur-Rehman (the present applicant), and also revealed the name of his escaped accomplice as Ali son of Munawwar alias Muhammad Yasin. He further admitted that the firearm injury on his back was caused by a shot fired from his own accomplice's pistol. He also disclosed that the motorcycle used in the offence was his own registration No.KDT-8125, Honda 125, red color which was also taken into police custody. The police officer prepared site inspection notes at the scene. Thereafter, complainant accompanied the police mobile along with the arrested accused and the motorcycle to the police station.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to malafide intention and ulterior motive; that there is no independent witness of the alleged incident despite its occurrence in a thickly populated area; that no incriminating article or weapon was recovered from the applicant and there is no specific allegation that he made any firing upon the complainant, therefore, Section-324 PPC is not attracted against him; that admittedly the applicant sustained injury allegedly from his co-accused, which creates doubt about the manner of occurrence and requires further inquiry under Section 497(2) Cr.P.C.

4. Conversely, learned DPG opposed the grant of bail contending that the applicant/accused has been specifically nominated in the FIR with a defined role and the FIR was promptly lodged; that the applicant/accused sustained injury during the commission of offence caused by firing of his own accomplice; applicant/accused was arrested on the spot in injured condition in presence of complainant, therefore, he is not entitled to confirmation of bail.

5. Heard. Record perused.

6. From the tentative assessment of the material available on record, it appears that the applicant/accused was apprehended from the spot in injured condition, allegedly having sustained a firearm injury caused by his own accomplice. No firearm or any other incriminating article was recovered from the applicant, nor is there any specific allegation that he himself made any firing upon the complainant. The admitted fact that the injury to the applicant was

caused by his co-accused renders the prosecution version somewhat doubtful and calls for further inquiry within the meaning of Section 497(2) Cr.P.C. The question whether the applicant shared the common intention with his co-accused to commit the alleged offence or whether he was merely present at the scene without active participation is a matter to be determined at trial. At this stage, the case of the applicant, therefore, falls within the ambit of further inquiry, making him entitled to the concession of bail. Reliance is placed on the case of *Salman Mushtaq & others v. The State through P.G Punjab and another* (2024 SCMR 14).

6.While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.....

7. In view of the above facts and circumstances, the instant bail application was allowed and post-arrest bail was granted to the applicant/accused upon furnishing solvent surety in the sum of Rs,50,000/- and P.R bond in the like amount to the satisfaction of the trial Court vide a short order dated 21.10.2025 and these are the reasons for the same.

8. The applicant shall attend the trial regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail according to law. The observations made herein are tentative in nature and shall not prejudice either party at trial.

JUDGE

Ayaz Gul