

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.3034 of 2025
(Habibullah Khan Niazi vs. The State)

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz-ul-Hassan Shah

For hearing of bail application

Date of hearing
& order **22.12.2025**

Mr. Muhammad Ayoub Chaniho, advocate for applicant
Mr. Tahir-ur-Rehman, advocate for complainant
Mr. Ali Haider Salim, Addl: PG Sindh

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.537/2024, u/s 302, 324, 109, 34, u/s PPC, registered at Police Station Pirabad, Karachi by means of this application.

2. This is third bail application filed by the applicant before this Court. His previous two bail applications were dismissed on merits directing the trial Court to examine the material witnesses. Meanwhile, complainant has been examined. The facts of the case show that there was a dispute between the parties over a speed breaker in the street and on the day of incident i.e. 02.10.2024, applicant and others, duly armed with weapons attacked the complainant party, killing one person namely Lal Khan and injuring three PWs. In the FIR applicant is alleged to be armed with a pistol and fired at deceased and injured.

3. Learned defence counsel, while referring to evidence of the complainant, has stated that complainant has attributed no role of firing at the deceased by the applicant and submits that during scuffle, applicant tried to snatch rifle from deceased Lal Khan, which inadvertently got fired and hit him instead. Thereafter, other accused made firing killing deceased and injuring PWs. Learned defence counsel has also referred to 164 Cr. PC statements of eye witnesses, which have disclosed the same version not attributing role of firing at the deceased to the applicant.

4. Learned counsel for the complainant has submitted that at least fifteen adjournment applications have been filed by defence counsel in order to prolong the case and there are specific allegations against the applicant.

5. Learned Addl: PG Sindh has also opposed bail but has read examination-in-chief of complainant, which is *prima facie* not in line with the version disclosed in the FIR by him as explained above, insofar as role of direct firing at the deceased or injuring the PWs is concerned. After evidence of complainant, manifestly the case of the accused/complainant has become one of further enquiry. Accordingly, this application is allowed and applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.200,000/ (Rupees two hundred thousand) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

JUDGE

Rafiq/PA.