

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No.1524 of 2018

Date	Order with signature of Judge
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For hearing of bail application.

12.02.2019

Mr. Javed Iqbal, advocate for the applicants.
Ms. Rahat Ahsan, Additional P.G.

NAZAR AKBAR, J. The applicant/accused is facing trial in Crime No.172/2018 under Sections 324/34 PPC registered at P.S. Mithadar, Karachi. The applicant after failing to obtain bail from the Court of VI-Additional Sessions Judge, South Karachi has preferred this bail application.

2. Brief facts of the case as spelt out from the FIR are that on **02.10.2018** Complainant Bilhuda widow of Zubair appeared before the Court of learned Additional Sessions Judge-VIII, West Karachi in a murder case of her husband in which she was on bail, where the applicants/accused were also present. After attending the Court when she was going back to her house in a rickshaw, she saw that her father-in-law and his nephew (present applicants) were following her on motorcycle, she directed the rickshaw driver to turn the rickshaw in a street of Lahori Sharbat wala at Serai Road, they stopped the rickshaw and by force pulled her out of rickshaw and pushed her due to which she fell down on the road and applicant No.1 took out pistol and fired at her with intention to commit her murder, her father-in-law (applicant No.2) directed applicant No.1 that bullet has been missed and further directed to fire again, he fired one more shot at her, in the meantime, rickshaw driver moved from there. Subsequently police mobile came there and apprehended

both of them and got recovered one 30 bore pistol with loaded magazine, one live bullet in chamber and one live bullet in magazine. police also secured two empties from the spot, arrested them, sealed the recovered articles and took the accused persons along with their motorcycle, therefore, FIR was lodged.

3. Learned counsel for the applicants contended that the applicants are innocent and have falsely been implicated by the complainant in this case to influence the trial of complainant in murder case of son of one accused and uncle of other. He prayed for grant of bail to the applicants. Learned counsel for the applicant has relied on the following case laws:-

- i. *Saleem Khan vs. The State (1999 P.Cr.L.J 140);*
- ii. *Allah Ditto and another vs. The State (2002 MLD 150);*
- iii. *Abdul Majeed and another vs. The State (2009 YLR 344).*

4. Learned Additional P.G has opposed the grant of bail to the applicants.

5. On perusal of available record and consideration of arguments advanced by the parties, I have noted that:-

- i. In the FIR it is alleged that the applicants have fired upon the complainant twice from a very close distance but neither the complainant nor any one received any kind of injury.
- ii. It was a day time incident took place in a thickly populated area but no independent eye witness has been mentioned in the FIR.
- iii. The motive is obvious since the complainant is facing murder charge in FIR No.241/2017.
- iv. No previous criminal record of the applicants has been pointed out by the prosecution.

6. In view of the above facts and circumstances, the case for bail is made out, consequently the instant bail application is allowed. Applicants Bacha Khan son of Muhammad Din and Abdul Wahid son of Ajmal Khan are admitted to bail subject to furnishing solvent surety in the sum of **Rs.100,000/-** (Rupees One Hundred Thousand) each and P.R bond in the like amount to the satisfaction of trial Court.

7. Needless, to mention here that the observations made hereinabove are tentative in nature and should not influence trial Court while deciding the case of the applicants/accused.

JUDGE

Ayaz Gul