

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Cr. Bail Application No.1552 of 2018

 Date Order with signature(s) of Judge(s)

Before: Mr. Justice Nazar Akbar

Applicants : Qamar Iqbal son of Iqbal Ahmed
 Arif Ahmed son of Saeed Ahmed
 Muhammad Bilal son of Abdul Ghani
 Imtiaz Ahmed son of Muhammad Hanif
 through Mr. Jawaid Ahmed Rajput, advocate.

Versus

The State : Ms. Rahat Ahsan,
 Additional Prosecutor General, Sindh

Date of hearing : **15.01.2019**

Reasons/Decision: **15.01.2019**

ORDER

NAZAR AKBAR, J. The applicants are facing trial in Crime No. 529/2015 under sections 324/448/353/147/148/149/354/34 PPC registered at P.S. Surjani Town. The applicants after failing to obtain post arrest bail from the Court of IV-Additional Sessions Judge, Karachi-West have preferred this bail application.

2. Brief facts of the case as spelt out from the FIR are that complaint is resident of House No. L-07 Sector 5-F, Surjani Town, Karachi. On 05.09.2018 at about 0130 hours when she returned from her father's house, he saw that her above house was occupied by 11/12 men and 3/4 women, who mal-treated the complainant and her husband received injuries on his head. Complainant called police and at their arrival, occupiers fired upon the police and police also in retaliation fired, some culprits taking the benefit of darkness run away while SIP Abdul Sattar with the help of other police official arrested accused

person, who on inquiry disclosed their names as Qamar Iqbal, from whose possession one T.T. pistol of 30 bore without number with load magazine one round and one round in chamber were recovered; Arif Ahmed with one hammer, Muhammad Bilal and Imtiaz with dandas; and their other companion Rashid Ali and others along with women run away. Police official seized the recovered pistol from the spot and sealed. **FIR No.529/2015** dated **05.09.2018** was registered under Sections 324/448/353/147/148/ 149/354/34 PPC.

3. Perusal of available record and consideration of arguments advanced by the parties, I have noted that:-

- (i) The complainant was not officially sent for the medical treatment;
- (ii) The medical report available in the police papers refers to injury on the knee of the injured;
- (iii) The involvement of more than 10/11 persons for such injury caused is unbelievable;
- (iv) Several accomplices including women have managed to run away from the crime scene;
- (v) The offence alleged in the FIR does not fall within the prohibitory clause;
- (vi) Prima-facie allegation of firing is also not proved since the police has not recovered any empties from the spot.

4. In view of the above facts and circumstances, the applicants (1) Qamar Iqbal son of Iqbal Ahmed, (2) Arif Ahmed son of Saeed Ahmed, (3) Muhammad Bilal son of Abdul Ghani, (4) Imtiaz Ahmed son of Muhammad Hanif are admitted to bail subject to furnishing solvent surety in sum of **Rs.50,000/-** (Rupees fifty thousand only) each and PR bonds in the like amount to the satisfaction of the learned trial Court.

5. 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

Zahid baig