

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No.1504 of 2018

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

24.01.2019

Mr. Farukh Jan Shaikh, advocate for the applicant.
Applicant/accused is present on bail.
Ms. Rahat Ahsan, Additional P.G.

NAZAR AKBAR, J. The applicant/accused is facing trial in Crime No.211/2018 under Sections 324 and 34 PPC registered at P.S. Gulshan-e-Iqbal, Karachi. The applicant after failing to obtain confirmation of interim bail from the Court of V-Additional Sessions Judge, East Karachi has preferred this bail application and was granted interim pre-arrest bail by this Court by order dated **09.11.2018.**

2. Brief facts of the case as spelt out from the FIR are that on 11.05.2018 the complainant Muhammad Milan after performing Namaz-e-Jumma came back at his house, at about 3:00 PM noises of starting rickshaw were coming very badly from nearest house due to which he was disturbed and went outside and told to the driver of the rickshaw that he started rickshaw very badly due to which the area people were disturbed, on which the driver told the complainant that this is a rickshaw stand and they used to pay amount for the same, after that the runner of rickshaw stand namely (1) Munir (2) Islam (3) Ishaq (applicants herein) came and used abusive language and started fight with complainant and suddenly applicant No.1 recovered a knife from his nefa and attacked upon the complainant with intention to kill him, due to which the complainant received injuries

on back side, upper side and eye, the mohallah people namely Kamal and Amir saved him from them and they took the complainant to Jindah Hospital for medical treatment where he got treatment for 3 to 4 days and then came to police to lodge FIR.

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

- i. The alleged incident took place on **11.05.2018** whereas the FIR was lodged after 11 days on **22.05.2018** and no plausible explanation has been given by the complainant in the FIR.
- ii. The incident was not reported to area police before going to hospital for treatment.
- iii. The record shows that there was personal grudge and enmity between the complainant and the applicants and he also lodged several other FIRs against different persons of the locality.
- iv. The offence does not fall under the prohibitory clause.

4. In view of the above facts and circumstances, the bail before-arrest earlier granted to the applicant by this Court by order dated **09.11.2018** is hereby confirmed on same terms and conditions.

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