

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Application No. 606 of 2022**

Applicant : Muhammad Faizan s/o. Muhammad Ahsan,  
through Mr. Tauqeer Ahmed Korai, advocate

Respondent : The State, through Mr. Khadim Hussain, Addl.  
Prosecutor General.

Complainant : Iftikhar Ahmed s/o Abdul Mannan, through  
Mr. Khair Muhammad, advocate

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Date of hearing : 01.06.2022  
Date of order : 01.06.2022

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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant Criminal Bail Application, applicant/accused Muhammad Faizan s/o Muhammad Ahsan seeks post-arrest bail in Crime No. 1097/2020, registered at P.S. Shah Latif Town, Karachi under section 324, 109, 34, P.P.C. His first application for the same relief bearing No. 2208/2021 was dismissed by the learned trial Court i.e. V<sup>th</sup> Additional Sessions Judge Malir, Karachi vide order, dated 15.06.2021; second bail application bearing No. 1695/2021 was disposed of by this Court vide order, dated 11.10.2021, with direction to the trial Court to conclude the trial and dispose of the case preferably in four months' time; thereafter, third bail application filed by the applicant in Session Case No. 1376/ 2021 on fresh grounds was dismissed by the trial Court vide order, dated 09.03.2022.

2. Precisely, the case of the prosecution is that, on 06.10.2020 at about 2030 hrs., complainant Iftikhar Ahmed s/o. Abdul Mannan, recorded his 154, Cr.P.C statement before ASI Muhammad Ramzan of P.S. Shah Latif Town, Karachi at Ward No. 27, ICU, Jinnah Hospital, Karachi, to the effect that on 02.10.2020 on the call of co-accused Shafquat, who was his partner in estate work, he reached in front of Hascol Petrol Pump at a road leading towards Quaidabad where two unknown persons riding on a motorcycle came there, at about 9:00 p.m., and the person sitting on pillion seat fired at him, which hit at his mouth and bullet stuck

in his neck, whereafter he was brought at Jinnah Hospital, Karachi. The statement of the complainant was incorporated in F.I.R. recorded for the offence under sections 324, 109, 34, P.P.C.

3. After hearing the learned counsel for the applicant, complainant as well as Addl. P.G. it appears that the name of the applicant does not transpire in the F.I.R. Complainant/injured received only one firearm shot as alleged supra. It is also an admitted fact that the co-accused Shafquat, the alleged abettor, who was arrested by the police on 12.10.2020, has already been admitted to bail by this Court vide order, dated 26.04.2021, passed in Cr. Bail Application No. 463/ 2021.

4. The present applicant was arrested on 02.01.2021; the complainant, on 06.01.2021, identified him in identification test conducted by the XII<sup>th</sup> Judicial Magistrate Malir, Karachi by putting his hand on his shoulders by assigning the role that he along with another accused fired on him. Subsequently, co-accused Shoukat alias Shouki was arrested by the police and, on 27.05.2021, the complainant also identified him in identification test by putting his hand on his shoulder and assigned him role that he along with another accused fired on him. As such, the complainant in alleged identification tests assigned the role of causing him sole firearm injury to two accused persons, namely present applicant Muhammad Faizan and co-accused Shoukat alias Shouki.

5. After disposing of applicant's Cr. Bail Application No. 1695/2021 by this Court, vide order dated 11.10.2021, the trial Court examined the complainant/injured as P.W-1 on 15.12.2021, wherein he identified the accused persons present in Court at the time of recording his evidence by deposing that accused Shafquat who called him at the spot, accused Faizan (*present applicant*) who was driving the motor-cycle and accused Shoukat who fired upon him were the same who were present in Court. As such, in his deposition, the complainant/injured

has assigned the role of causing him sole firearm shot to co-accused Shoukat, while the role of present applicant is that of facilitator.

6. The question of vicarious liability of the applicant with regard to the commonness of his intention with co-accused Shoukat for causing alleged firearm injury to complainant will have to be determined at the trial to see if guilt of the applicant under section 324/34, P.P.C. is established as alleged by the prosecution. Under the circumstances, I have found the case of the applicant, who is confined in judicial custody for last 16 months, of further inquiry as envisaged under sub-section 2 of Section 497 Cr.P.C.

7. I, therefore, allow this application by admitting the applicant to bail, subject to his furnishing solvent surety in the sum of Rs.200,000/- (*Rupees Two Lacs Only*) and PR Bond in the like amount, to the satisfaction of trial Court.

8. Needless to mention here that if applicant in any manner tries to misuse the concession of bail, it would be open for the trial Court to cancel his bail after issuing him the requisite notice.

JUDGE

*Athar Zai*