

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Applications No. 1975 & 2021 of 2021

Applicants in : 1. Muhammad Abbas s/o. Jumma Khan
Cr. Bail No. 1975 of 2021 : 2. Shafeeh Zaman s/o Akbar Zaman
Both through Mr. Amir Mansoob Qureshi,
advocate

Applicant in : Imran Shaukat s/o Shaukat Hussain Kath,
Cr. Bail No. 2021 of 2021 : through Mr. Amir Mansoob Qureshi,
advocate

Respondent : The State, through Mr. Abrar Khichi,
Addl. P. G.

Complainant : Fakhar Ali Shah s/o. Muzaffar Ali Shah,
through Mr. Imtiaz Hussain Bhutto, advocate

Date of hearing : 10.01.2022
Date of order : 10.01.2022

ORDER

ZAFAR AHMED RAJPUT, J:- By this common order, I intend to dispose of above listed both bail applications as the same, being arisen out of F.I.R. No. 715/2021, registered at P.S. Boat Basin, Karachi under sections 147, 148, 149, 440, 504, 337-H (ii), P.P.C., have been heard by me together.

2. Applicants/accused Muhammad Abbas s/o Jumma Khan and Shafeeh Zaman s/o Akbar Zaman, through criminal bail application No. 1975 of 2021, seek post-arrest bail in aforementioned crime. Their earlier application for grant of same concession bearing No. 3473 of 2021 was dismissed by the learned Additional Sessions Judge-XI, Karachi-South vide order, dated 12.10.2021. While the applicant/accused Imran Shaukat s/o Shaukat Hussain Kath, by means of criminal bail application No. 2021 of 2021, seeks pre-arrest bail in aforementioned crime. His earlier application for grant of same relief bearing No. 3262 of 2021 was dismissed by the said learned Additional Sessions Judge vide order, dated 30.09.2021. He was admitted to interim pre-arrest bail by this

Court in the instant Cr. Bail Application vide order, dated 28.10.2021, and now the same is fixed for confirmation of interim bail or otherwise.

3. Briefly stated, the facts of the case are that, on 05.09.2021, complainant Fakhar Ali Shah, who is an advocate, lodged the F.I.R., alleging therein that, on 04.09.2021 at about 23:35 hours, while going to home in his vehicle-Pajero, bearing registration No. BC-8100, he reached the main road of South City Hospital, where five persons boarded in a vehicle-Vigo, bearing registration No. KV-7768, stopped him and started beating and abusing him, and made aerial firing. It is also alleged that so many people gathered at the spot, who tried to apprehend the accused but they managed to flee.

3. After hearing the learned counsel for the applicants, complainant, Addl. P.G. and perusing the material available on record with their assistance, it appears that the alleged offences are either bailable or does not fall within prohibitory clause of section 497, Cr. P.C. Applicants Muhammad Abbas and Shafeeh Zaman are in judicial custody since the day of their arrest i.e. 05.09.2021. Police has already submitted the challan against the applicants; hence their custody is no more required for further investigation. It further appears that the complainant lodged the F.I.R. against five un-known accused persons. Later, on 05.09.2021 at 0600 hours, SIP Ali Hasan during course of patrolling in the area stopped alleged vehicle-Vigo at the shrine of Abdullah Shah Ghazi and apprehended the applicants, namely, Muhammad Abbas and Shafeeh Zaman. Later, Police Surgeon, Jinnah Hospital issued medical certificate, on the basis thereof, section 337-F (vi), P.P.C. was inserted in the challan due to fracture in 4th metacarpal bone (*ring finger*) of the complainant. Record shows that no empty has been recovered from the spot. It further appears that during course of the investigation, police obtained CCTV footages, which show that the complainant blocked the road/way on that situation of

chaos was crated at the spot. Admittedly, it is case of no enmity and no premeditation but of sudden quarrel. The alleged injury has not been attributed to any accused person by the complainant; even it is not mentioned in the F.I.R. Hence, the guilt of the applicants for the commission of alleged offence will be determined at the trial.

4. In the circumstances of the case mentioned above, I have found the case against the applicants as one of further inquiry as envisaged under sub-section (2) of Section 497, Cr. P.C. Accordingly, applicants Muhammad Abbas s/o Jumma Khan and Shafeeh Zaman s/o Akbar Zaman, in Criminal Bail Application No. 1975 of 2021 are admitted to post-arrest bail subject to their furnishing solvent surety in the sum of Rs. 50,000/- (*Rupees Fifty Thousand Only*) and P.R. Bond for like amount to the satisfaction of the Nazir of this Court. The interim pre-arrest bail granted to applicant Imran Shaukat s/o Shaukat Hussain Kath by this Court in Cr. Bail Application No. 2021 of 2021, vide order dated 28.10.2021, is confirmed on the same terms and conditions.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicants on merits. In case applicant(s) misuses the concession of bail in any manner, it would be open for the trial Court to cancel his bail after issuing him the requisite notice.

6. Above ate the reasons of my short order, dated 10.01.2022

JUDGE

Athar Zai