

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 1517 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

1. For orders on MA No.9143/2022
2. For hearing of bail application.

13-02-2023

Mr. Jehanzaib, Advocate for applicant.
Mr. Aamir Jamil, Advocate for complainant.
Ms. Robina Qadir, Addl.P.G.

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Omar Sial, J: Mohammad Ishaq has sought post arrest bail in crime number 136 of 2022 registered under sections 324 and 34 P.P.C. at the Jackson police station. Earlier, his application seeking bail was dismissed by the learned 4th Additional Sessions Judge, Karachi West on 05.07.2022.

2. The aforementioned F.I.R. was lodged by Abdul Sattar Shah on 22.04.2022 reporting an offence which had occurred earlier that day. He recorded that he received a phone call from his nephew who told him that Ishaq and Ibrahim had fought with children (whose children is not clear from the F.I.R.). The complainant reached the spot where the fight was said to be happening and talked to the 2 boys. Ibrahim had a pistol and resorted to aerial firing. Ishaq then snatched the pistol from Ibrahim and shot at and injured the complainant on his right arm.

3. Learned counsel has not denied the incident in his argument but has concentrated on the fact that the complainant was hit on his right arm and therefore the injury sustained fell within the ambit of section 337-F(iii) P.P.C. and carried a potential sentence of 3 years. He therefore sought bail on this ground alone. To the contrary the learned Addl.P.G. who was assisted by the learned counsel for the complainant supported the impugned order. I have heard the counsels.

4. It seems that it is admitted by the learned counsel that the fire was made by Ishaq with the weapon owned by Ibrahim. The fire prima facie was made on the body of the complainant, which happened to hit him on his arm. Ishaq cannot be given premium for the fact that the shot did not kill the complainant but instead hit his arm. The applicant should have known that his act of firing upon the complainant could have caused his death and thus prima facie he has a case to answer as to why should he not be guilty of an offence under section 324 P.P.C. in addition to the punishment for causing the hurt. A person can face up to 10 years imprisonment for committing an offence under section 324 P.P.C. No reason has been given or argued as to why would the complainant falsely implicate the applicant in the crime.

5. I see no reason to extend the concession of bail to the applicant. Bail application stands dismissed.

JUDGE