

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 860 of 2023

Applicants : Muhammad Hassan & Muhammad Farooq
through M/s. Nazirullah Mehsod, Zahooruddin
and Sonam Rani Kumar, Advocates

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

Date of short order: 18th May, 2023

Date of reasons : 30th May, 2023

ORDER

Omar Sial, J: Mohammad Hassan and Mohammad Farooq have sought post arrest bail in crime number 252 of 2023 registered under sections 353, 324 and 34 P.P.C. at the Sachal police station in Karachi. Earlier, their application seeking bail was dismissed on 22.03.2023 by the learned Sessions Judge, Malir.

2. The F.I.R. in this case was registered on 27.03.2023 on the complaint of A.S.I. Nisar Khuhro. Khuhro reported that a police party led by him was on patrol duty when it signaled a motorcycle to stop. The applicants who were riding the motorcycle instead of stopping, opened fire on the police. The police retaliated and injured both applicants and then arrested them.

3. I have heard the learned counsel for the applicant and the learned Addl.P.G.

4. It is a stereotypical case where the police claim that they were fired upon but inevitably none from the police side ever receive any injury nor do the accused ever succeed in even hitting the mobile they are on; however, always the accused are hit by the bullets fired by the police. I find this fortunate but most unusual. Doubt is further magnified, as in the present

case, when the police cannot even subsequently give a reason as to why did the accused open fire on them for no reason. The case of the applicants is one of further inquiry.

5. It further appears that an error might have crept up in the learned trial court's orders viz-a-viz the crime record of the applicants. The information provided by the learned Addl.P.G. does not seem to reconcile with it. Be that as it may, this is an area that will no doubt be clarified at the time evidence is led.

6. Above are the reasons for the short order dated 18.05.2023.

JUDGE