

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2249 of 2023**

Applicants : Abdul Raheem and Mustafa
through Mr. Muhammad Aslam Shar, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan, Addl.P.G.
along with S.I. Ikramuddin.

Date of short order: 27th November, 2023

Date of reasons : 29th November, 2023

ORDER

Omar Sial, J: Abdul Raheem and Mustafa have sought post-arrest bail in crime number 372 of 2023 registered under sections 353, 324, 302 and 34 P.P.C. at the Peerabad police station in Karachi. Their earlier bail application was dismissed on 30.08.2023 by the learned 11th Additional Sessions Judge, Karachi West.

2. A police party was looking for a stolen motorcycle on 15.06.2023. They found the motorcycle with the applicants sitting on it and arrested them. While the applicants were in police custody another motorcycle came on which was sitting Ahmed, who opened fire on the police party and as a consequence a pedestrian was injured who later died.

3. I have heard the learned counsel for the applicants and the learned Additional Prosecutor General.

4. The allegation of firing at the police, preventing them from discharge of their duties and murder of the passerby are not on the two applicants but on a third person named Ahmed. The applicants have been arrested and charged only on the ground that the shooter was their relative. Whether the incident has correctly been portrayed by the police and

whether the applicants shared a common intention with the shooter will have to be decided at trial. Prima facie it seems difficult that the three men had the common intention of shooting dead a pedestrian. An offence under section 353 P.P.C. is a bailable offence. The case against the applicants is one of further inquiry.

5. Above are the reasons for the short order dated 27.11.2023.

JUDGE