

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2784 of 2023**

Applicant : Himmat Ali
through Mr. Akash Gehani, Advocate

Respondent : The State
through Ms. Robina Qadir,
Deputy Prosecutor General Sindh

Date of hearing : 02-02-2024

Date of order : 11-03-2024

ORDER

OMAR SIAL, J: Himmat Ali has sought post arrest bail in crime number 417 of 2022 registered under sections 324, 109 and 34 P.P.C. at the Bilal Colony police station. Earlier his application seeking bail was dismissed by the learned 1st Additional Sessions Judge, Karachi Central on 22.11.2023.

2. The F.I.R. mentioned above was registered on 28.06.2022 on the complaint of Ahmed. Ahmed reported that the previous day his brother had asked him to come to a specified place. Ahmed along with Abdullah and Dastagir went to that place and saw that Sharif and Younus were also there. Some time later Himmat Ali and Sohbat Khan also came to the spot. After a brief chat, Sharif and Younus asked Himmat and Sohbat to kill the complainant party. Himmat Ali took out a pistol and fired. The bullet hit Ahmed on his leg.

3. I have heard the applicant's counsel while the complainant and his counsel preferred to remain absent. I have also heard the Deputy Prosecutor General.

4. The story as narrated in the F.I.R. is vague. Why would two apparently unknown persons ask another two unknown persons to kill the complainant party has not been explained. Absolutely no motive has been disclosed. Learned counsel's argument that neither an empty nor blood

stains were found from the scene of the incident has not been rebutted by the learned Deputy Prosecutor General. It is also a matter of record that after the initial investigation the police had recommended disposal of the case under A Class. The learned trial judge has erred in observing that the punishment for an offence under section 324 P.P.C. is life imprisonment. The punishment falls within the 5 to 10 year range and hence there is a strong argument that it falls within the non-prohibitory clause of section 497 P.P.C. The applicant has been in jail for 20 months already.

5. Given the above, the applicant has made out a case for grant of post-arrest bail. He is accordingly admitted to bail subject to his furnishing a solvent surety of Rs. 100,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE