

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Criminal Bail Application No. 183 of 2024**  
**( Shahbaz Khan @ Machhli versus The State)**

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Date Order with signature of Judges

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For hearing of bail application

**24.04.2024**

Mr. Irshad Ali Bhatti, advocate for the applicant  
Mr. Muhammad Anwar Mahar, DDPP for the State  
Complainant Muhammad Asif in person  
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It is alleged that the applicant with rest of the culprits, in furtherance of their common intention, besides committing murder of Shaikh Pervaiz by causing him fire shot injuries also caused fire shot injuries to PW Nasir with intention to commit his murder, for that the present case was registered.

The applicant, on refusal of pre-arrest bail by learned XI-Additional Sessions Judge, Karachi West, has sought for the same from this Court by making the instant bail application under section 498 Cr.P.C.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of about 01 day, yet it does not contain the name of the applicant; it was disclosed by PW Nasir during course of his examination under Section 162 Cr.PC with delay of about 02 months to the occurrence with no effective role in commission of the incident. Whether the applicant actually participated in commission of the incident with vicarious liability, it requires determination at trial. Complainant Shaikh Muhammad Asif by filing his affidavit has recorded his no objection to grant of the pre-arrest bail to the applicant. The case has finally been challaned. The applicant has joined the trial and there is no allegation of misusing the concession of interim pre-arrest bail on his part. In these circumstances, a case for grant of pre-arrest bail to the applicant on the point of further inquiry and malafide is made out.

In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

Instant bail application is disposed of accordingly.

J U D G E