

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Cr, Bail Application No.752 of 2021

Muhammad Asad  
Versus  
The State

Date	Order with signature of Judge
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For hearing of bail application.

**Dates: 21.05.2021**

Ms. Mehar-un-Nisa for applicant.  
Mr. Zafar Ahmed Khan, Addl. P.G. for the State.

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**Muhammad Shafi Siddiqui, J.**- Applicant seeks bail in FIR No.111 of 2021 registered at police station Joharabad under section 397, 353, 324, 34 PPC which was declined to him by learned II-Additional Sessions Judge Central Karachi in terms of order dated 19.03.2021.

Brief facts as recorded in the FIR are that complainant Syed Ghufuran Ali son of Syed Sadaqat Ali on the day of incident i.e. 05.03.2021 was riding a motorcycle while his mother Mst. Nadia Sadaqat was sitting behind after encashing cheque of Rs.50,000/- from HBL Dastagir Branch, Block-16, F.B. Area when two persons on a motorcycle intercepted them. One of them was wearing helmet and the other one was wearing mask and on gunpoint they snatched purse of the mother of the complainant in which her original CNIC, cheque book and cash of Rs.200/250 was available. It is alleged that while the accused "tried" to run away, a police mobile came at the scene and the complainant disclosed all facts to the officer and the police party followed the accused persons. Accused persons made firing upon the police party and in reply police party also started firing upon accused persons. One of the accused succeeded to run away whereas the other accused left his motorcycle and climbed UK Flats Plaza Building, Block-7, F.B. Area Karachi and from terrace of the building accused jumped due to which he fell and sustained injury on his leg and other body parts. With the help of subordinates, accused was apprehended who on inquiry disclosed his name as Muhammad Asad, present applicant. He disclosed name of



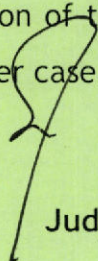
his accomplice as Muhammad Zubair son of not known. When he was apprehended he was holding in his right hand black colour 30 bore pistol with one round in chamber and two rounds alive, three used bullets of 9 MM and two bullets of 30 MM were also recovered. It is further stated in the FIR that due to non-cooperation of private persons, officials were made witnesses of personal search. From personal search of accused Rs.150/- was recovered. Licence of pistol was demanded however the accused failed to provide the same and consequently FIR under sections 397,353,324,34 PPC was registered.

I have heard the learned counsel for applicant as well as learned Additional Prosecutor General, appearing for the State and perused material available on record.

The scene of incident appears to be un-witnessed as far as private persons are concerned. It is stated that though applicant was on motorcycle, he tried to run away and could not succeed. It is not being conceivable as to what took them so long to run away while they were on motorcycle as the complainant and his mother might have taken at least few seconds, if not more, to disclosed/narrate all facts to the officer Nadir Ali who was on police mobile and yet the police party was able to chase and there was cross firing as well. It is also stated that the applicant/accused left motorcycle and climbed UK Flats Plaza Building from terrace of which applicant jumped and while he has fallen on the ground, he was still holding pistol. In the arguments learned Addl. P.G. conceded that the applicant fell/jumped from fourth floor of the building. It is case of ineffective firing and from the contents of the FIR it appears to be a case of further inquiry. There are numerous questions arising out of the facts mentioned in the FIR which could only be established once the trial is concluded. Hence the applicant has made out a case entitling him to the concession of bail.

In view of above the applicant is granted bail in the sum of Rs50,000/- with P.R. Bond in the like amount to the satisfaction of the trial Court. The applicant be released if not required in any other case.

Bail application stands disposed of.



Judge