

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Appl. No.2922 of 2024
Cr. Bail Appl. No. 2600 of 2024

Date	Order with signature of the Judge
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29.01.2025

Mr. Muhammad Ayoob, advocate for applicants.
Syed Suleman Badshah, advocate for complainant.
Ms. Rubina Qadir, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, pre arrest bail application and post arrest bail application are disposed of having been filed in Crime No.537/2024 U/s 302, 324,109, 34 PPC of P.S. Pirabad. Applicant Athar Khan Niaz in Cr. Bail Application No.2600/2024 is seeking pre arrest bail, who is present on ad-interim pre arrest bail, whereas in Cr. Bail Application No.2922/2024, applicant Habibullah Khan Niazi is seeking post arrest bail in the same crime.

2. As per brief facts, there was a dispute between the parties over speed breaker in the street in which they had already exchanged hot words. On the day of incident i.e. 02.10.2024, applicant and others duly armed with weapons attacked the complainant party killing one person namely Lal Khan and injuring three P.Ws. However, in the quarrel accused party also got injured. In the investigation, some of the members of the complainant party have also been made accused hence.

3. The role of applicant Athar Ali Khan is of instigation, whereas role against applicant Habibullah Khan Niazi is of firing at the deceased alongwith main accused Hakim Ali Khan. As per postmortem report, deceased sustained six firearm injuries. At the same time, accused Habibullah also sustained firearm injuries.

4. Both the parties have argued the case in support and against grant of bail to the applicants.

5. I have considered submissions of the parties and perused material available on record. It is clear that the role assigned to applicant Athar Ali Khan requires further inquiry as he was not even present at the spot when incident took place and only his instigation, an offence u/s 109 PPC, is alleged against him, which allegation is yet to stand the test of the trial. Whereas, against applicant Habibullah Khan, alleged direct role of firing is attributed. In the

circumstances, ad-interim pre arrest bail granted to applicant Athar Ali Khan is confirmed on the same terms and conditions. However, bail application of applicant Habibullah Khan against whom prima facie, direct role of firing is attributed, is dismissed. The trial court is, however, directed to expedite the trial and examine complainant and two material witnesses within a period of two months, after which in any case, applicant shall be at liberty to repeat his bail application before the trial court, which shall be decided on its own merits.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The bail applications are disposed of.

J U D G E

A.K