

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.**

Cr. Bail Appl. No.2368 of 2024

18.11.2024

Mr. Abdul Monem Khattak, Advocate for applicant
Ms. Rahat Ahsan, Addl. P.G.
Mr. Akber Zaeem Advocate for complainant

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ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Saifullah Khan Niazi seeks pre arrest bail in Crime No.184/2024 U/s 324, 34 PPC of P.s. Kalri, Karachi. He was granted ad-interim pre arrest bail vide order dated 14.10.2024 and today matter is fixed for confirmation or otherwise.

2. As per brief facts, there is a running enmity between the parties over property. On 26.06.2024 complainant alongwith his son Hasnat was sitting opposite Qureshi Medical Niazi chowk, Shah Waliullah Road, Daryaabad, Kalri, Karachi, when applicant and his son came over there and started fighting, in the course of which applicant alleged to have fired at Hasnat hitting his leg. Hence FIR.

3. Learned counsel for applicant submits that story of FIR is not believable; there are counter versions between the parties; son of applicant is in jail; applicant is entitled to concession of pre arrest bail as the case is of further inquiry. More so, applicant was not present at the spot and was available at his work place.

4. On the other hand, learned counsel for complainant and APG have opposed the bail.

5. I have considered submissions of the parties and perused material available on record. The applicant has been assigned a direct role of firing at the victim, which is supported by the medical evidence. Hence, section 324 PPC is prima facie attracted, which is punishable upto 10 years and not bailable, hence the applicant is not entitled to extra ordinary concession of pre arrest bail, which is meant to protect a person from arrest and humiliation in the criminal case in which he has been falsely implicated by the complainant or police. In presence of

prima facie evidence against the applicant, no case is made out for extraordinary concession of pre arrest bail.

6. In view of above circumstances, this application is dismissed and the order granting ad-interim pre arrest bail to the applicant is hereby recalled.

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

The Cr. Bail Applications are disposed of.

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