

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Appl. No.2424 of 2024

Cr. Bail Appl. No. 2465 of 2024

Date	Order with signature of the Judge
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21.01.2025

Mr. Ghulam Asghar Khuhro, Advocate for applicant.

Ms. Rubina Qadir, DPG

Mr. Haad A.M. Paggawala, advocate has filed power on behalf of complainant.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicants Muhammad Hanif and Waqar Ahmed are seeking pre arrest bail in Crime No.1073/2024 U/s 147,148,149, 324, 302, 34 PPC of P.S. SSHIA, Karachi. They are present on ad-interim pre arrest bail and today matter is fixed for confirmation or otherwise.

2. As per brief facts, complainant, a laborer has alleged that when he was working on Plot No.109, D Block, Dildar Umrani Goth with his son Muhammad Shahzad aged about 18/20 years, applicants alongwith others duly armed with pistols and Kilashankov arrived at there and started firing on the complainant party murdering his son and injuring three persons working on the plot on 19.09.2024. Hence FIR.

3. Learned defence counsel has argued that co-accused have been granted bail; applicant Muhammad Hanif was not present at the spot at the time of incident; parties are already in dispute with each other, hence applicants have been falsely implicated in this case.

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

5. I have considered submissions of the parties and gone through the case file. Applicants are specifically nominated in the FIR to be armed with pistols and Kilashankov and making firing on the victim party killing one person and injuring three persons. Learned defence counsel has submitted that one of the injured present in court, has sworn affidavit in favour of applicants. It may be said that practice of filing affidavit at bail stage has already been deprecated by the Supreme Court and even otherwise there are two other injured and one person has been murdered, who have not come forward to extend such favour to applicant. In presence of specific role assigned in the FIR, applicants are not

entitled to concession of pre arrest bail which is meant only for innocent person from humiliation and arrest in a criminal case in which he has been falsely implicated. Accordingly, these pre arrest bail applications are dismissed and ad-interim pre arrest bail granted to applicants is hereby recalled.

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

The bail application is disposed of.

J U D G E

A.K