

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.1182 of 2024

26.06.2024

Mr. Jehanzaib Khan, Advocate for applicant.
Mr. Mumtaz Ali Shah, Addl. P.G.
Mr. Adil Ahmed, advocate for complainant.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Imran Ishaq Khan is seeking pre arrest bail in Crime No.336/2023 U/s 324, 427, 337 A(i), PPC registered at P.S. Boat Basin, Karachi. He was admitted to ad-interim pre arrest bail vide order dated 29.05.2024 and today matter is fixed for confirmation of his interim pre arrest bail or otherwise.

2. As per FIR, complainant is a waiter at Spicy Chicken Restaurant situated in Boat Basin, Karachi. On 09.06.2023, when he left his home for the said restaurant, on the way near Meezan Restaurant, Boat Basin, due to rush of traffic, he stopped his motorcycle in front of a car, the driver of which started honking the horn from behind. When he did not move, he got off the car, slapped him twice, took out a TT pistol and started firing. He immediately ran to save his life, his motorcycle was however hit and one child of six years, who was on another motorcycle with his father was hit by the bullet of that driver on his left shin. He noted car number as BNU-606.

3. Thereafter, police reached the spot, took injured to hospital and subsequently he appeared at P.S. and registered FIR. The applicant was subsequently identified to be the driver of that car by I.O. in the investigation. When his bail application was dismissed by learned court of Addl. Sessions Judge XI, Karachi South, he filed a bail application No.1782/2023 before this court and was granted ad-interim bail on 17.08.2023. But thereafter he continuously remained absent and on 12.03.2024, in view of misuse of concession of bail, his bail application was dismissed and SHO P.S. Boat Basin was directed to arrest the applicant.

4. Applicant, however, managed to file a second bail application for pre arrest bail bearing No.621/2024 on 16.03.2024 after four days but learned counsel for applicant without arguing the matter did not press that application on 18.03.2024. Thereafter he filed instant bail application on 29.05.2024 after

more than two and half months. From 12.03.2024 to 29.05.2024 he was not on bail given by any court yet he was not arrested by the police.

5. Learned counsel for applicant has argued that applicant is innocent, has been falsely implicated in the case; his name does not transpire in the FIR; there is no identification parade to identify the applicant to be the real culprit and there is no evidence against him to show that he was the driver who was driving the car and fired upon the complainant.

6. On the contrary, complainant is present in court and states that applicant is the same person who was driving the car, who had slapped him twice for not removing the motorcycle from infront of his car and then in a fit of rage fired at him hitting petrol tank of his motorcycle and a six years child, who was taken to the hospital.

7. I have considered submissions of the parties and perused material available on record. There is no enmity of the complainant with the applicant to implicate him in this case as previously he was not known to him which is evident from the FIR in which he did not name the applicant. The factum of incident is supported in 161 Cr.P.C statement of father of victim child, who has also revealed that the driver, driving a car No.BNU-606 got enraged when complainant did not remove his motorcycle from infront of his car and after slapping him started firing which hit his child. Applicant has been identified by the complainant in open court to be the same person, who was driving the car. There is prima facie sufficient evidence showing that the applicant is involved in the offence which he committed after getting out of control on some petty matter, hence he is not entitled to extra ordinary concession of pre arrest bail meant to be extended to innocent person implicated in the case falsely. In view of above, this bail application is dismissed and interim pre arrest bail granted to the applicant is hereby recalled.

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

The Cr. bail application stands disposed of in the above terms.

J U D G E

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