

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No. **99** of 2018
 Cr. Bail Appl No. **100**/2018

Date	Order with signature of Judge
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Present:-

MR. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Muhammad Karim Khan Agha.

For hearing of Bail Application.

25.04.2018.

Syed Lal Hussain Shah, Advocate for the applicant
 Mr. Ali Haider Salim, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above two bail applications, whereby the applicant is seeking post arrest bail in case bearing crime No.498 of 2017, U/s 353, 324, 34 PPC read with Section 7 ATA, registered with Police Station Gulshan-e-Iqbal, Karachi and in case bearing crime No.500 of 2017, U/s 23(i)A Sindh Arms Act, 2013 read with Section 7 ATA, registered with Police Station Gulshan-e-Iqbal, Karachi.

2. It is alleged in the FIR that the applicant after an encounter with the police during which he received a bullet injury on his lower leg was arrested along with co-accused namely Aqib Baloch by the police party headed by complainant ASI Rashid Jamal on **18.11.2017 at** 0235 hours and from him one pistol loaded with magazine was recovered. Resultantly, the applicant and co-accused were booked in three (03) separate cases, the present one and two (02) other for recovery of alleged weapons from them respectively.

3. Learned defence counsel has argued that applicant has been booked in false cases; that the allegation of encounter requires further inquiry as no one from the police party was injured. According to him, this is infamous case of "**half fry**", where the applicant was arrested before date of incident and subsequently injured by the police and booked in this case. He has further informed that applicant is still admitted in the hospital due to injury in his leg and is in critical condition.

4. On the other, learned DPG has opposed grant of bail to the applicant.

5. We have considered submissions of the parties and perused the material available on record. The main allegation against the applicant is that while he was being chased by the police, he fired at the police and in retaliatory firing was injured. Admittedly, no one from the police party was injured and record does not show that even the police mobile in which police party was

traveling was hit by any bullet fired by the applicant and co-accused. This case being of ineffective firing coupled with the fact that applicant was hit at lower part of his leg, which injury has exacerbated and he is still in hospital, we are of the view that it requires further inquiry into his guilt and he is entitled to the concession of bail. Consequently, the these bail applications are allowed and he is granted bail subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one hundred thousand) in each case with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

6. The bail applications are disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.