

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.2121 of 2024
(Nazar Muhammad vs. The State)

31.10.2024

Mr. Zahid Ali Metlo, advocate a/w applicant
Mr. Manzoor Elahi, advocate for complainant
Mr. Khadim Hussain, Addl: PG Sindh

O R D E R

MUHAMMAD IQBAL KALHORO J: It is alleged in the FIR by the complainant that on account of a previous dispute, applicant along with his two sons and other relatives attacked upon him and his uncle, namely, Imam Ahmed on 06.07.2024, near Chai Hotel Orangi Town, Karachi. In the course of quarrel, applicant armed with a pistol fired twice on his uncle Imam Ahmed hitting his chest and right hand. According to complainant, he also sustained multiple injuries at the hands of accused on different parts of his body.

2. Learned defence counsel has argued that all the accused have been granted bail except applicant. He has been falsely implicated in this case on account dispute over property and no recovery has been effected from him. He has relied upon the case law reported in **2024 S C M R 805**

3. Learned Addl: PG Sindh and learned counsel for the complainant have opposed bail. Learned counsel for the complainant has relied upon the case laws reported in **2024 S C M R 1576** and **2024 S C M R 1738**

4. I have considered submissions of the parties and perused the material available on record and has gone through the case laws cited at bar. Applicant has been specifically nominated in the FIR to have fired twice on victim Imam Ahmed, who as per Medico Legal Certificate has sustained two firearm injuries. One firearm injuries is on vital part of his body i.e. chest. Therefore, *prima facie* offence u/s 324 PPC is made out. Non recovery of any weapon from him is due to the fact that applicant did not join the investigation and was not arrested. In presence of specific role of the applicant supported by medical evidence and 161 Cr.PC statements of witnesses, no case for extra-ordinary concession of pre-arrest bail, meant to protect the innocent person from the arrest and humiliation in a criminal case in which he has been falsely implicated, is made out in his favour. Accordingly, this application is dismissed. The ad-interim pre-arrest bail granted to the applicant on 18.09.2024 is hereby recalled.

5. Needless to mention that the observations made herein above are tentative in nature and would not prejudice case of either party at trial. The bail application is disposed of in the above terms.

J U D G E

Rafiq/P.A.