

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl. No.2732 of 2024
(Israr Ahmed vs. The State)

For hearing of Bail Application.

18.12.2024.

Mr. Illahi Bux Lakho, advocate for applicant

Mr. Makhdoom Khurshid Hussain Shah, advocate for applicant

Ms. Seema Zaidi, Addl: PG

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant is seeking pre-arrest bail in Crime No.980/2024, u/s 302, 319 PPC at Police Station Gulshan-e-Iqbal, Karachi. He is present on ad-interim pre arrest bail granted to him vide order dated 22.11.2024 and today matter is fixed for confirmation or otherwise.

2. Applicant is a security guard. He was on duty at Saima Royal Residency on 16.12.2022, when he was fiddling with the pistol, fire was shot and hit Abrar Hassan, who was also a security guard and was performing duty there at about 07:00 p.m. As a result of which, he died. The FIR was registered u/s 319 PPC and was challaned under the same offence. Applicant was however, arrested in December, 2022 and was granted bail by this Court on 10.10.2023. Meanwhile, on an application by the complainant Section 302 PPC has been added by the trial Court and hence, the applicant applied for bail under the same offence, which was declined by the trial Court, hence, he is before this Court.

3. Learned counsel for the applicant has argued that it is yet to be determined whether section 302 PPC is applicable in the facts and circumstances of the case, when apparently there was no enmity between the applicant and the deceased, both were security guards, and were performing duty together and from CCTV footage, nothing is so obvious to establish that the fire shot made by the applicant was with premeditated mind.

4. His arguments have been rebutted by the learned counsel for the complainant, so also, learned Assistant Prosecutor General. However, the applicant has already remained in jail for almost 01 year and *prima facie* without any additional material or evidence, section 302 PPC has been added by the trial Court on the application of the complainant. Whether in the given facts and circumstances section 302 PPC is applicable or not is yet to be decided. Accordingly, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order dated 22.11.2024 is hereby confirmed on same terms and conditions.

5. Bail application 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.

JUDGE

Rafiq/P.A