

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail. Appl. No.1408 of 2024

Date	Order with signature of the Judge
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16.12.2024

Mr. Zulfiqar Ali Khan, Advocate for applicant.

Mr. Muhammad Riaz Abbasi, advocate for complainant.

Ms. Seema Zaidi, Addl. P.G.

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ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Waqar Ahmed is seeking post arrest bail in Crime No.75/2023 U/s 302, 324, 34, PPC of P.S. Civil Lines, Karachi.

2. As per brief facts, complainant is a brother of deceased Junaid, he has narrated in FIR that his uncle Sher Muhammad while making conversation with Niaz Muhammad, his father, got annoyed and started beating his father, when his brother Junaid tried to intervene, his uncle caused him dagger blows. When his other brothers namely Aamir and Tarique came to rescue them, they also caused them dagger injuries. Applicant is a cousin of sons of his uncle and participated in the assault on the complainant party. This incident took place on 21.08.2023 and on the same day, FIR was registered.

3. Learned defence counsel has argued that applicant has not been assigned any role, the main role has been assigned to co-accused Sher Muhammad; material facts have been suppressed as accused party was also injured in the incident and therefore, the case against applicant requires further inquiry.

4. On the other hand, learned counsel for complainant and learned Addl.P.G have opposed bail to applicant. Counsel for complainant has further stated that evidence of complainant has been recorded and he has fully implicated the applicant and other accused in commission of offence. Thereafter witnesses come in the court but the accused on one pretext or the other are delaying the trial.

5. I have considered submissions of the parties and perused material available on record. Applicant is specifically nominated in the FIR to be a part of attacking party, which killed one person and injured atleast three persons. Applicant is alluded to be armed with a dagger at the relevant time, and is alleged to have actively taken part in the incident. Therefore common intention on his part at this stage cannot be ruled out, not the least, when complainant in his evidence has fully implicated him. It is informed that pre arrest bail application of applicant was rejected by the court, he instead of surrendering

before the trial court escaped to KPK and was arrested from there after a considerable time. The case diaries show that witnesses are present but the one accused or the other by making adjournment application is causing delay in the trial. In the circumstances, I do not find applicant entitled to concession of bail. His bail application is dismissed. The trial court is however, directed to expedite trial and examine remaining witnesses within a period of four months, after which, in any case, the applicant will be at liberty to repeat his application for bail which will be decided on its own merits.

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

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