

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No. 966/2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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**For hearing of bail application.**

**30-04-2025**

Mr. Faheem Arif, Advocate for the applicant.  
Mr. Muhammad Mohsin, APG Sindh.

**X-X-X-X-X-X**

**KHALID HUSSAIN SHAHANI, J.**— The applicant, Muhammad Hanif, son of Badar u Zaman Khan, seeks post-arrest bail in Crime No. 131 of 2025, registered under Sections 320/337-G PPF read with Section 322 PPC at Police Station Gulshan-e-Iqbal, Karachi. His bail application was declined by the learned Additional Sessions Judge-X, Karachi East, vide order dated 28.03.2025.

2. The prosecution alleges that on 28.02.2025, at about 2:45 p.m., the applicant caused the death of Muhammad Haris and injuries to Muhammad Ahmed in a road accident due to his reckless and negligent driving. A report of the incident was lodged by St. Muhammad Husnain at the Gulshan-e-Iqbal Police Station on the same day, leading to the registration of the case based on these facts.

3. At the outset, the learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated with ulterior motives. He further submits that the penal sections applied in the FIR are bailable offences, and that Section 322 PPC was added later, following directions of the learned Magistrate, without justification, as the offence does not entail imprisonment. It is also argued that there is no direct evidence connecting the applicant to the offence. The learned counsel asserts that the facts as presented create doubt and warrant further inquiry, entitling the applicant to bail.

4. In opposition, the learned Assistant Prosecutor General supports the order passed by the learned trial court, vehemently opposing the grant of bail. The APG argues that this is a case of gross negligence, resulting

in the loss of a precious life, and that the applicant is not entitled to bail. Thus, prays for dismissing the bail application.

5. I have heard the learned counsel for the parties and perused the material available on record. Upon review, it appears that the case was initially registered for offence under Sections 320/337-G PPC, which are bailable offences. Consequently, the applicant was produced before the Magistrate for remand on these charges. However, the learned Magistrate, taking cognizance of a Notification dated 14.02.2025 issued by the Office of the Commissioner, Karachi Division, added Section 322 PPC, citing a complete ban on the movement of dumpers carrying construction material and mixture machines, in all parts of the city, except between 10:00 p.m. to 6:00 a.m. However, such Notification does not apply to vehicles carrying essential commodities including water, edible oil, liquid oxygen, liquid nitrogen, medical gases categorized as lifesaving drugs, meat, skin, and other related items except during 10:00 p.m. to 06:00 a.m. and admittedly the vehicle is a water tanker, excluded from such ban imposed. Based on these arguments, I am inclined to agree with the learned counsel's submissions, although it remains to be determined at trial whether the ingredients of Section 322 PPC are applicable in the peculiar circumstances of the case. Notably, the case has already been challaned, and the applicant is no longer required for investigation.

6. In light of the above, the applicant has successfully made out a case for further inquiry, as envisaged under Section 497(2) Cr.P.C. Accordingly, the applicant is admitted to bail, subject to furnishing a solvent surety in the sum of Rs. 2,000,000/- (Rupees Two Million Only) and a personal bond in the like amount to the satisfaction of the learned trial court.

7. The above observations are tentative and shall not prejudice the case of either party at the time of trial.

**J U D G E**