

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI.

Criminal Bail Application No.2119 of 2023
Criminal Bail Application No.2120 of 2023

Date	Order with signature of Judge
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1. For orders on office objection at 'A'.
2. For hearing of bail application.

10.01.2024.

Mr. Amir Nawaz Warraich, Advocate for the applicant.
Mr. Muhammad Iqbal Awan, Additional Prosecutor General
Sindh.
P.I. Waseem Ahmed, I.O.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Muhammad Hussain S/o. Balya is facing trial before the VIIth Additional Sessions Judge (South), Karachi in respect of Crime No.35 of 2023 U/s. 324/337-F/337-F(i)PPC registered at P.S. Gizri, Karachi. The applicant filed pre-arrest bail before the Court of VIIth Additional Sessions Judge (South) Karachi which was declined vide order dated 20.09.2023, hence the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that a FIR was lodged with P.S. Gizri and contents thereof in a gist are that on 30.01.2023 complainant was called by her sister who is married and living with her husband in DHA where it was divulged to complainant by his sister that her husband had forced her to bring money from her parents to which demand she denied on score of her parents being poor and per complainant her sister further told him that her husband look out pistol and fired upon her and injured her and she gone to Hospital.

3. I have heard learned counsel for the parties and perused the record. The applicant has been booked in an attempt of murder case whereby he made a fire shot upon his wife. He has been given specific role of making fire shot in the FIR which has also been supported by the medical certificate and section 161 of the injured eye-witness Ambreen Naz.

According to the applicant he has entered into a compromise agreement with the complainant, however, vide order dated 06.11.2023 this was specifically denied by the complainant party. This is a non-bailable offence. Based upon the above discussion, I find that there is sufficient material on record to link the applicant to the commission of the offences and there appear to be no malafide on the part of the complainant, as such the pre-arrest bail granted to the complainant is re-called with immediate effect. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it. The trial court is directed to conclude the trial within 03 months from the date of this order. A copy of this order shall be sent to the trial court for compliance.

JUDGE

M. Arif