

# **THE HIGH COURT OF SINDH AT KARACHI**

## **Criminal Bail Application No.2997 of 2025**

Applicant : Aamir Hussain son of Rasheed Ahmed through M/s. Muhammad Daud Narejo and Muhammad Yousuf Narejo, Advocates

The State : Through Ms. Seema Zaidi, Additional Prosecutor General, Sindh along with Inspector-Abdul Ghaffar of Police Station, Steel Town, Karachi

Date of hearing : 23.12.2025

Date of decision : 23.12.2025

### **ORDER**

**Jan Ali Junejo, J.-** This Criminal Bail Application has been filed under Section 497, Cr.P.C. by the applicant/accused Aamir Hussain son of Rasheed Ahmed, seeking post-arrest bail in FIR No.827 of 2025 registered under Sections 324/34 PPC at Police Station Steel Town, Karachi. The applicant has assailed the order dated 30.10.2025 passed by the learned IVth Additional Sessions Judge, Malir, Karachi, whereby his bail application was dismissed, while bail was granted to co-accused Raza Muhammad and Muhammad Hamza.

2. Briefly, the prosecution case as narrated in the FIR is that the complainant Muhammad Farooq, a transporter by profession, had business dealings involving transportation of fertilizer for FFC, monitored through tracking devices installed by M/s G-Tracker Company. A dispute allegedly arose regarding tracking reports, resulting in blacklisting of the complainant's vehicles. It is alleged that on 19.10.2025 at about 01:30 a.m., the complainant heard gunfire outside his office at Ghaghara Phatak, and upon coming out, found his employee Shakeel Ahmed injured by firearm. The complainant alleged that he saw the present applicant, an employee of the tracker company, along with unknown armed persons, whereafter they fled from the scene. The injured sustained a firearm injury on the leg and was taken to Jinnah Hospital. On these allegations, the present FIR was registered.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated due to business rivalry and mala fide intentions. It was argued that the complainant is admittedly not an eyewitness to the

alleged firing and only reached the spot after hearing the sound of fire. No specific role of firing has been attributed to the applicant in the FIR, nor is there any recovery of weapon from his possession. Learned counsel further submitted that co-accused placed on the same footing have already been granted bail by the trial court, yet the applicant was denied bail in violation of the settled rule of consistency. It was also argued that the injury is not on a vital part of the body, the offence does not entail death or life imprisonment, the complainant has submitted a written No Objection, and the case at best calls for further inquiry under Section 497(2), Cr.P.C. Prayer was made to grant bail to the applicant.

4. Conversely, learned Additional Prosecutor General opposed the bail application on the ground that the applicant has been specifically named in the FIR and was allegedly present at the scene with a pistol, showing his active role. It was argued that the offence under Section 324 PPC falls within the prohibitory clause and the applicant does not deserve the concession of bail. Prayer was made for dismissal of the bail application.

5. I have heard the learned counsel for the parties and have perused the record with due care. At the outset, it may be observed that bail at this stage requires only a tentative assessment of the material available on record, without touching the merits of the case. A careful perusal of the FIR reveals that the complainant is not a direct eyewitness to the actual act of firing. His own narration shows that he heard the sound of fire and thereafter came out of his office, where he saw the injured already lying on the ground. Thus, the attribution of firing to any particular accused, including the present applicant, appears to be inferential rather than based on direct ocular account. Furthermore, the FIR does not specifically allege that the applicant fired the shot which caused injury to the complainant's employee. The presence of multiple alleged assailants armed with pistols, without assignment of a specific overt act, *prima facie* creates doubt which requires further probe during trial. No weapon has been recovered from the applicant, and no independent incriminating material has been shown at this stage connecting him directly with the alleged act. It is also an admitted position that co-accused Raza Muhammad and Muhammad Hamza, arising out of the same occurrence and same set of allegations, have already been granted bail by the learned trial court. The distinction drawn by the court below between the applicant and co-accused appears to be based solely on naming in the FIR, which by itself is not a sufficient ground to deny bail when the role assigned is general and unsupported by independent corroboration. The rule of consistency, firmly recognized by

the superior courts, requires that similarly placed accused be treated alike unless a clear distinguishing feature exists, which is not apparent in the present case. Moreover, the injury sustained by the injured is on a non-vital part of the body, and the offence under Section 324 PPC, though falling within the prohibitory clause, does not invariably bar the grant of bail when the case calls for further inquiry. The written No Objection submitted by the complainant, though not binding on the Court, is a relevant circumstance which further reduces the likelihood of misuse of liberty by the applicant. Likewise, a general allegation of presence, unaccompanied by any corresponding injury or overt act, cannot by itself entail liability under the said provision unless supported by reliable and corroborative material demonstrating that the accused shared a common intention with the principal assailant. Reference may be made to the case of **Bashir Ahmed and others v. The State and another (2022 SCMR 1187)**, wherein the Honourable Supreme Court of Pakistan was pleased to hold that: *"The alleged criminal act should be in furtherance of common intention and not the common intention simpliciter. Mere presence of an accused with an accused who commits the crime would not constitute his common intention unless there is an evidence referring to the criminal act of that accused committed in furtherance of common intention with the other accused".* Emphasis supplied.

6. In view of the above discussion, it appears that the prosecution case against the applicant requires further inquiry within the meaning of Section 497(2), Cr.P.C., and continued incarceration of the applicant would serve no useful purpose.

7. For the foregoing reasons, this Criminal Bail Application is allowed. The applicant/accused Aamir Hussain son of Rasheed Ahmed is admitted to bail in FIR No.827 of 2025 registered under Sections 324/34 PPC at Police Station Steel Town, Karachi, subject to his furnishing a solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) along with a P.R. bond in the like amount to the satisfaction of the trial Court. The observations made herein are tentative in nature and are confined solely to the determination of the bail application. The learned Trial Court shall not be influenced by these observations and shall decide the case strictly in accordance with law on the basis of evidence produced before it. These constitute the detailed reasons for the short order dated 23.12.2025.

**JUDGE**