

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2492 of 2024

Applicant : Taj Muhammad @ Tajoo son of Khan
Muhammad, through Mr. Muhammad Yasir,
Advocate

Respondent : The State
through Mr. Zahoor Shah, Addl. P.G.

Date of hearing : 09.03.2026

Date of order : 09.03.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seek pre-arrest bail in Crime No.28/2023 for the offence under Sections 302, 324, 147, 148, 149, 114, 504 PPC at PS Ketu Bundar, Thatta, after his bail plea has been declined by learned Additional Sessions Judge-I/Model Criminal Trial Court, Thatta vide order dated 13.11.2023.

2. The details and particulars of the FIR are already available in the bail application as well as memo of FIR, therefore, the same need not to be reproduced.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that the FIR is delayed about 18 days, for which no plausible explanation has been furnished; that there is a previous enmity between the complainant and the applicant. He further submits that the complainant has given a detail of the incident whereas he has not received a single scratch as he was present at the place of incident to intervene the incident as such the presence is also doubtful; that six witnesses have been examined before the trial Court and the applicant is regularly attending the Court and he is no more required for further investigation. He lastly prays for confirmation of his bail.

4. On the other hand, learned Addl. P.G. Sindh vehemently opposed for confirmation of bail and submits that delay for lodging the FIR has properly been explained by the complainant and name

of the applicant/accused is appearing in the FIR with specific role as such the applicant/accused is not entitled for concession of bail.

5. Arguments heard and record perused

6. Admittedly, the name of the applicant/accused appears in the FIR; however, the role attributed to him is doubtful. It has been alleged that the accused attacked the complainant and others in his presence, yet the complainant did not sustain even a minor injury, which casts serious doubt upon his presence at the place of occurrence. Furthermore, while granting bail to the co-accused, this Court has already observed that the complainant was, rather surprisingly, able to identify all the accused persons along with specific weapons and assign them specific roles in the occurrence. This circumstance creates a reasonable apprehension that, due to previous enmity, some of the accused persons may have been unnecessarily implicated by the complainant.

7. It has also been pointed out that the applicant is regularly attending the proceedings before the trial Court and has not misused the concession of bail. The charge has already been framed and six witnesses have been examined by the prosecution. In this regard, reliance has been placed upon the case of *Rehmatullah v. The State* (2011 SCMR 1332), wherein the Honourable Supreme Court of Pakistan held that when the trial is in progress, ordinarily the courts should refrain from granting or cancelling bail and the proper course in such circumstances is to direct the trial Court to conclude the trial within a specified period. Learned counsel for the applicant has also produced certified true copies of the evidence recorded by the learned trial Court along with the statement of the complainant, which are taken on record. From the statement of complainant Ashraf, it appears that he has not specifically implicated the present applicant/accused in the commission of the alleged offence. It is a settled principle of law that at the bail stage only a tentative assessment of the material available on record is permissible and deeper appreciation of evidence is not warranted. Learned counsel for the applicant has also alleged mala fide on the part of the complainant.

8. In view of the foregoing circumstances, learned counsel for the applicant has succeeded in making out a case for the grant of bail within the meaning of subsection (2) of section 497 Cr.P.C.

Consequently, the instant bail application is allowed. The interim pre-arrest bail granted to the applicant/accused vide order dated 28.10.2024 is hereby confirmed on the same terms and conditions. However, the learned trial Court is directed to expedite the proceedings and conclude the trial within a period of two months.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants/accused on merits.

JUDGE

Hyder/PS