

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

**Crl. Misc. No.27/2026**

Fawad alias Mani

Versus

The State, etc.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
	17.02.2026	Mr. Imran Khan Advocate for the petitioner. Mr. Muhammad Zafar Khokhar Advocate for respondent No.2. Ms.Habiba Khalid, State counsel. Mr. Tipu ASI/I.O.

**KHADIM HUSSAIN SOOMRO J:-** Through this bail application, the petitioner has prayed for his post-arrest bail in case FIR No. 1691, dated 03.10.2025, under Sections 324/34 PPC, Ps, Khanna, Islamabad.

2. Concisely, the facts referred to in the instant FIR are that he, along with the co-accused, with common intention, gave firearm injuries to the wife and son of the complainant. Hence, this FIR.

3. Learned counsel for the petitioner submits that the alleged incident took place on 02.10.2025, whereas the FIR was registered on 03.10.2025 with a delay of one day, regarding which no explanation was given; that the injury allegedly sustained by the injured Mst. Shabana falls under Section 337-F (iii) PPC *Ghayr-Jaifah Mutalahimah*, which provides a punishment of three years, which does not fall within the prohibitory clause of Section 497 Cr.PC. On these grounds, it is prayed that the petitioner be granted the concession of bail.

4. Learned State Counsel, assisted by learned counsel for the complainant, opposes the bail application and submits that there is no delay in registration of FIR; that the complainant firstly

shifted the injured to the hospital and thereafter the FIR was lodged; that there is a delay of few hours which have been successfully explained in the contents of FIR; that during the course of investigation, the pistol was recovered from the petitioner/accused; that direct role of firing is attributed to the petitioner. The injured Mst. Shabana sustained an injury at the hands of the petitioner. There is no ill will on the part of the complainant to implicate the petitioner with the commission of an offence. It is argued that in view of the nature of the offence, the role attributed to the petitioner, and the severity of punishment prescribed by law, the petitioner does not qualify for the concession of bail.

5. I have heard the arguments of learned counsel for the parties and have perused the material available on record with their able assistance.

6. On a tentative assessment of the record, it transpires that the petitioner has been nominated in the FIR with a specific and direct role of causing firearm injuries to the wife and son of the complainant. The allegation is not of a peripheral or vicarious nature; rather, the act of firing has been directly attributed to the petitioner. The medical evidence shows that the injured sustained firearm injuries, and the weapon of offence has also been recovered from the possession of the petitioner during the course of investigation, which prima facie connects him with the commission of the alleged offence. The argument regarding the delay in registering the FIR lacks substance at this stage, as the record shows that the injured persons were first taken to the hospital and the FIR was lodged thereafter, which is a natural and plausible course of conduct. The delay of a few hours thus stands

sufficiently explained and does not create any dent in the prosecution's case.

7. Turning to the point emphatically raised by the learned counsel of the applicant that the injured sustained injury on the non-vital part of the body. The significance of a murderous assault lies in the deliberate targeting and infliction of harm upon both vital and non-vital portions of the victim's body. According to Section 324 of the Pakistan Penal Code (PPC), there is no differentiation made between vital and non-vital parts of the human body. Once the trigger is pressed and the victim is successfully targeted, the element of "intention or knowledge," as outlined in Section 324 of the PPC, becomes evident. The trajectory of a bullet is not influenced or directed by the assailant's choice, and they cannot use poor marksmanship as a justification for leniency during the bail stage. In this context, I have been guided by the Apex Court in the case of Sheqab Muhammad vs. The State, etc (2020 SCMR 1486).

8. Another important aspect of the present bail application is whether it falls within the ambit of section 324 or not. The applicant was accused of actively engaging in an incident that clearly falls under the offence of mischief as defined in section 324 of the Pakistan Penal Code, 1860. This offence carries a punishment of imprisonment for up to ten years. The application of section 497 of the Code, which prohibits circumvention of the bar on bail in cases where there are reasonable grounds to believe the accused is guilty, is relevant in this case. In this context the reliance can be placed in the case of Ghazan Khan Vs. Mst. Ameer Shuma and another (2021 SCMR 1157)

9. It is a settled principle that criminal cases cannot be governed by rigid or universal rules, as each case must be examined in the light of its own peculiar facts and circumstances. The determination whether a case falls within the ambit of "reasonable grounds" or "further inquiry" is to be made objectively on the basis of the material collected during investigation. The expression "no reasonable grounds for believing that the accused has committed a non-bailable offence" carries substantive legal weight and cannot be lightly invoked in the face of incriminating material connecting the accused with the alleged offence. The mere existence of hypothetical questions or the possibility of certain aspects being tested at trial does not automatically bring a case within the purview of subsection (2) of Section 497 Cr.P.C., as such possibilities are inherent in almost every criminal case. The concept of "further inquiry" is neither subjective nor dependent upon the bare denial of the accused or the defence version. It requires the presence of a real and substantial doubt emerging from the available material, indicating a tangible gap that necessitates further investigation. In the present case, the statement of the injured person, duly supported by credible eye-witness accounts, which at this stage cannot be brushed aside as false or concocted, and further corroborated by the medical evidence, collectively provide sufficient grounds to connect the petitioner with the commission of the alleged offence. It is worth mentioning that the son of injured namely Shabana has sustained three firearm injuries in the alleged incident. These circumstances, prima facie, rule out the applicability of the principle of further inquiry, and thus, the petitioner is not entitled to the concession of bail.

10. In any civilized legal system, ensuring the predictability of consequences for a criminal act is contingent upon strict respect for the law. It is essential to maintain peace in society by employing the means and procedures authorized by the law. The implementation of this measure serves to deter illegal activities while concurrently bolstering individuals' confidence in the efficacy and legitimacy of the legal system.

11. At the bail stage, only a tentative assessment is to be made, and deeper appreciation is not permissible. There is sufficient material on record to connect the applicant accused with the commission of the offence. Police file reflects that petitioner/accused is involved in four other criminal cases. In this regard, the Hon'ble Supreme Court of Pakistan in the case of Muhammad Imran v. The State (PLD 2021 SC 903), has formulated the grounds for the case to fall within the exception meriting denial of bail as:-

(a) *the likelihood of the petitioner's abscondence to escape trial;*

(b) *his tampering with the prosecution evidence or influencing the prosecution witnesses to obstruct the course of justice; or*

(c) *his repeating the offence keeping in view his previous criminal record or the desperate manner in which he has prima facie acted in the commission of offence alleged.*  
(Underlining for emphasis).

12. Similarly, in the case of Shaukat Ali alias Shoka vs. The State (2004 SCMR 1068), the Hon'ble Supreme Court of Pakistan declined the bail on the ground that petitioner had been involved in more than seven cases. The offence falls within the prohibitory

clause of section 497, Cr.P.C. In this view of the matter, I am not inclined to grant post-arrest bail to the applicant accused. Hence, this Criminal bail application is **dismissed**. The case law cited by the defence counsel is not applicable to the facts and circumstances of the case.

13. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

**KHADIM HUSSAIN SOOMRO)**  
JUDGE

Approved for Reporting

S.Akhtar