

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No. 278 of 2025

<i>Date</i>	<i>Order with Signature of Judge</i>
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For hearing of Bail Application

10.02.2025

Syed Shaheer-ul-Islam Shahid, Advocate a/w Applicants (on bail).
Syed Mumtaz Ali Shah, Assistant Prosecutor General, Sindh.

ORDER

ALI HAIDER 'ADA'-J:- Through this bail application, applicants Muhammad Ikram Yaseen and Muhammad Irfan Yaseen seek pre-arrest bail in Crime No.08 of 2025 for the offence punishable under Section 324 & 34 PPC registered with P.S Iqbal Market, Karachi by complainant Talha Ameer. The applicants preferred their anticipatory bail before the Court of Sessions wherefrom it was assigned to Addl. Sessions Judge-III, Karachi (West), who after hearing the parties, has turned down their request through order dated 23.01.2025; hence, instant bail application has been maintained.

2. The brief facts of the prosecution's case as per FIR are that on 14.01.2025 the complainant along with his friend namely Muhammad Usama proceeded towards Aziz Nagar, Iqbal Baloch Colony on a bike and were stopped by two unknown persons and they asked about Muhammad Talha, who is the complainant. Thereafter, one of the accused pointed weapon for commission of murder assault and caused fire on him which hit on his right and left thighs and accused decamped from the scene by taking away a phone Infinix of the complainant so also Rs.45,000/- from his friend Muhammad Usama. The complainant in his FIR narrated that he has some property dispute with the applicants,

therefore, he has apprehension or suspicious that on the pointation of the applicants, such act of the unknown persons has been done.

3. Learned counsel for the applicants submits that they have a civil dispute with the complainant party and even no specific role is assigned to them for commission of the offence punishable under Section 324 PPC as well as the offence of robbery. He further submits a USB was provided to the investigation officer which is totally contra with the facts of the FIR because in CCTV camera, presence of the applicants is not clear. He next submits that as per bare perusal of the FIR, injuries are not caused by the present applicants.

4. Learned Assistant P.G, Sindh submits that one co-accused Muhammad Hasnain was arrested and his identification parade was also held, in which the complainant identified him but during course of the interrogation, co-accused Muhammad Hasnain did not make any kind of extra judicial confessional statement that he on the instigation of present applicants, committed such offence as he admitted on the point that being a habitual, he has committed such kind of offence as well as robbery.

5. On the last date of hearing, complainant was called through investigation officer to appear in person or to engage a counsel but today is the same position neither the complainant is present nor he has engaged any counsel, so the Court is not to wait further.

6. Heard arguments and perused the material available on record.

7. It is admitted fact that in FIR there is no any role prescribed for the commission of the offence under Section 324 PPC as well as for commission of the robbery. The perusal of FIR shows that complainant himself admitted that he has some suspicious on the point that applicants might be involved due to property dispute, so the property dispute is also admitted by the ends of the complainant and once the plea is admitted then relief of concession of the pre-arrest bail is also to be made out.

8. In view of the above circumstances, the applicants have made out their case for confirmation of his bail. Accordingly, instant bail application

is hereby allowed; interim bail granted earlier to applicants on 30.01.2025 is hereby confirmed on same terms and conditions.

9. Applicants present before the Court are directed to continue their appearance before the trial Court without negligence and in case they may misuse the concession or may tamper with prosecution's evidence then the trial Court would be competent to take legal action against them as well as their surety.

10. It need not to iterate that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial.

JUDGE

Zulfiqar/P.A