

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.488 of 2025

Applicants : 1. Nazar ul Islam S/o Wilayat
2. Noman S/o Muhammad Ilyas
3. Talha S/o Muhammad Ilyas
Present in person.

Respondent : The State
through Ms. Rubina Qadir, Addl. P.G.
a/w SIP Mustafa & ASI Muhammad Asim

Date of hearing : 11.03.2025

Date of order : 11.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicants/accused seek pre-arrest bail in Crime No.40/2025 for the offence under Sections 397, 34 PPC registered at PS Gulberg, after their bail plea has been declined by the learned II-Additional Sessions Judge, Karachi Central vide order dated 24.02.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Applicants are present on interim pre-arrest bail; however, their counsel is called absent. Learned Addl. P.G. read over the FIR. Applicants state that in fact there is a matrimonial dispute between maternal uncle and aunt and as such, the uncle has lodged the instant FIR, otherwise they have not committed any offence; that the incident took place on 20.11.2024 but the FIR was lodged on 23.01.2025 with a delay of more than two months, for which no plausible explanation was given by the complainant; that no robbed article was recovered from their possession. Lastly, they pray for confirmation of bail.

4. On the other hand, learned Addl. P.G. has vehemently opposed for grant of bail. However, I.O. present in Court confirms that no robbed article was recovered from the applicants.

5. Heard the parties and perused the material available on record.

6. Admittedly, FIR is delayed with more than two months for which no plausible explanation has been furnished. When it was confronted from the I.O. whether any Entry was made by the complainant on the very same day of incident, he replied in negative. Further, contention of the applicants that due to matrimonial dispute of their uncle and aunt, he has lodged the instant FIR otherwise they are innocent and have not committed any offence. No robbed article was recovered from the possession of the applicants. The applicants also pleaded malafide on the part of complainant. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The interim pre-arrest bail granted to the applicant/accused vide order dated 25.02.2025 is hereby confirmed on same terms and conditions. The Applicants are directed to attend the trial. However, it is made clear that if the applicants/accused misuse the concession of bail, learned trial Court would be at liberty to take appropriate action.

8. 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

Kamran/PA