

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1588 of 2024
Criminal Bail Application No.1654 of 2024

Applicant : Muhammad Islamuddin S/o Attaullah
[in CrI.B.A. No.1588/2024] through Mr. Muhammad Aslam Bhutta,
Advocate

Applicant : 1. Syed Babar Hussain S/o Zakir Hussain
[in CrI.B.A. No.1654/2024] 2. Muhammad Ali S/o Ali Muhammad
3. Sudheer Ahmed S/o Ghulam Mustafa

Complainant : Sikandar Ali S/o Ali Bux Almani
Present in person.

Respondent : The State
through Ms. Rahat Ahsan, Addl. P.G.

Date of hearing : 17.03.2025

Date of order : 17.03.2025

ORDER

AMJAD ALI SAHITO, J – By this common Order, I intend to dispose of both the Bail Applications filed by the applicants named above seeking pre-arrest bail in Crime No.544/2024 for the offence under Section 337-F(vi) PPC registered at PS Surjani Town, after their bail plea has been declined by the learned Additional Sessions Judge-III, Karachi West vide order dated 15.07.2024.

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. Per learned counsel for the applicant in CrI. Bail Application No.1588 of 2024, applicant is innocent and has falsely been implicated in this case; that FIR is delayed for about 14 days for which no plausible explanation has been furnished by the complainant; that in fact there is a dispute between the parties over the plot, as such, he has been booked in this case. He has further argued that one of the accused Ali lodged the FIR against the complainant and in order to create pressure upon the applicants, the instant FIR was registered by the complainant, otherwise no

specific role has been assigned against the applicant; that the present applicant was present in Faisalabad during the alleged incident was taken place and the applicant has taken the plea of *alibi* that he was not present and in support thereof, he has produced so many documents to the I.O. but I.O. did not consider the same. He further submits that the FIR was registered in the month of May, 2024 and since then applicant is attending the Court and he has never misused the concession of bail. Lastly, he prays for confirmation of bail.

4. Learned counsel for the applicants in Crl. Bail Application No.1654/2024 is called absent. However, applicants present on interim pre-arrest bail submit that they are innocent and have falsely been implicated in this case. They support the aforesaid arguments advanced by learned counsel for the applicant.

5. On the other hand, complainant present in Court states that he is owner of the subject plot and if there is any dispute then applicants should have approached concerned forum for redressal of their grievance; however, instead of doing so, they had beaten him as such he has received serious injuries on different part of body. Lastly, he opposes for confirmation of bail so also learned Addl. P.G.

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

7. Admittedly, the FIR is delayed about 14 days for which no plausible explanation has been furnished. Further, no specific role has been assigned against the applicants in this case. In fact four applicants have been booked against one injury that they caused fatal blow to the complainant. Learned counsel for the applicant submits that applicant Islamuddin was present at Faisalabad and he has taken plea of *alibi* and in support thereof, he has produced several documents but I.O. has not verified the same. Further, previously one of the accused lodged the FIR being Crime No.435/2024 at PS Surjani Town against complainant and he has moved application for protection but in order to counter the applicants, the complainant lodged the instant FIR. Learned counsel for the applicant also pleaded malafide on the part of complainant that due previous enmity he has lodged the instant FIR. At bail stage, only tentative assessment is to be made.

8. In view of the above, applicants have made out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail applications are **allowed**. The interim pre-arrest bail granted to the applicants/accused vide orders dated 19.07.2024 & 27.07.2024 are 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.

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

Kamran/PA