

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Appl. No.1240 of 2024

Date	Order with signature(s) of Judge(s)
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For hearing of Bail Application.

03.09.2024.

Mr. Muhammad Nadeem Khan, Advocate along with Applicant.
Mr. Ali Haider Saleem, Addl. Prosecutor General Sindh
Complainant present in person.

Applicants Farhan Ejaz and Shah Yaseen Alam have been booked under FIR No.265/2024 under Section 452/ 147/ 148/ 149/354/448/511/337-A(i) PPC registered at P.S Shahra-e-Faisal, Karachi. They applied for pre-arrest bail which was declined by the Court of XIIIth Additional District & Sessions Judge (East), Karachi vide order dated 29.05.2024. Hence the applicants have approached this Court for pre arrest bail.

2. The brief facts of the case as per FIR are that a dispute regarding House No.L-30, Block-12, Gulistan-e-Jauhar, Karachi between the applicants and others alongwith the complainant was going on which lead to the applicants along with others on 02.03.2024 forcibly entering into the subject house/property in order to take over possession of the same and in this respect started beating the complainant and his family members who were present in the house at that time. In the event they were not able to take possession of the subject property/house however this was lead to the aforesaid FIR being lodged against the applicants.

3. I have heard learned counsel for the applicant as well as learned Assistant Attorney General. Complainant has been served but has preferred to remain absent.

4. The offences under which the applicants have been charged carry maximum sentence of less than 10 years imprisonment and the general rules is that bail should be granted in such like cases unless exceptional circumstances exist in order to decline the bail.

There is no exceptional circumstance existing in this case. Applicants complete denied the allegation and it is apparently from the FIR that there is a dispute going on between the applicants regarding the ownership of subject house and to this effect a civil suit is pending between the parties. It appears that this aspect of the case requires further inquiry as to the action allegedly taken by the applicants in the FIR. The charge has been framed hence applicants are no longer required for investigation.

5. Under these circumstances I hereby confirmed the pre-arrest bail granted earlier by this Court on 06.06.2024 to the applicants Farhan Ejaz and Shah Yaseen Alam on the same terms and conditions.

6. The concerned trial Court is directed to decide the case on merits expeditiously. Copy of this order shall be sent to the concede trial Court for compliance.

7. The instant criminal bail application is disposed of in the above terms.

JUDGE