

**ORDER SHEET**  
**HIGH COURT OF SINDH AT KARACHI**

**Cr. Bail Application No.1752 of 2024**  
**Cr. Bail Application No.1610 of 2024**

Date	Order with signature of Judges
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FOR HEARING OF BAIL APPLICATION.

**02.10.2024.**

Raja Meer Muhammad, Advocate for the Applicants. (Applicant Muhammad Khawar Shakir is confined in Jail.)  
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.  
Mr. Sabir Ahmed Khan, Advocate for the Complainant.

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**Mohammad Karim Khan Agha, J:-** Applicant Muhammad Khawar Shakir was booked in FIR No.728/2024 under Section 448/382/34 PPC registered at PS Zaman Town, Karachi. He applied for post arrest bail before the Court XIIIth Additional Sessions Judge (East) Karachi which was declined vide order dated 01.08.2024. Hence the applicant approached this Court for post arrest bail.

2. Brief facts of the case as per FIR are that when the complainant was residing at his House No.L-430/431, Sector B-41, Korangi No.2½ Karachi which he claims his own house in which he has been residing since long time. However, on 21.05.2024 when he went to Lahore to meet his family and returned on 01.07.2024 he found that the possession of the aforesaid house with the applicant and others and who were residing therein with their family. When the complainant asked him to vacate the same the applicant and others refused to leave the house hence the aforesaid FIR has been lodged against the applicant and other co-accused.

3. I have heard learned counsel for the applicant, learned Addl. Prosecutor General Sindh and learned counsel for the complainant.

4. The maximum sentence available for the offence under which the applicant has been charged is less than 10 years

imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. It appears from the FIR that the matter is regarding property dispute between the complainant and the applicant and other co-accused which requires further inquiry in order to decide the ownership of the property. The Charge is about to be framed and the applicant is no longer required for further investigation. It is also noted that the complainant is in possession of the property.

5. Based on the above discussion, applicant **Muhammad Khawar Shakir s/o Muhammad Mehnga Shakir** is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand) and PR Bond in the like amount to the satisfaction of the Nazir of the concerned trial Court.

6. With regard to the Cr. Bail Application No.1610 of 2024, which is pre-arrest bail application filed by the applicants Muhammad Yawar Shakir and Muhammad Imran Shakir booked in the same aforesaid FIR. They had applied for pre-arrest bail in the Court of XIIIth Additional Sessions Judge (East) Karachi which was declined vide order dated 20.07.2024 hence they have approached this Court for pre-arrest bail.

7. The case of both the above applicants, who are on pre-arrest bail granted to them by this Court on 23.07.2024, is on the same footings as the case of Muhammad Khawar Shakir who has been granted post-arrest bail by this Court. It is well settled that there is no useful purpose to decline their pre-arrest bail as one of their co-accused has already been granted post arrest bail on the same facts as the applicants and if the bail of the applicants was declined they would both almost certainly be granted post arrest bail.

8. Accordingly the pre-arrest bail granted earlier by this Court to the applicants Muhammad Yawar Shakir and Muhammad Imran Shakir on 23.07.2024 is hereby confirmed on the same terms and conditions.

9. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court expeditiously.

10. The instant criminal bail applications stand disposed of in the above terms. Office to place copy of this order in connected matter.

**JUDGE**

**MAK/PS**