

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2077 of 2025

Muhammad Aamir and 4 others..... Applicants/Accused

Versus

The State.....Respondent

Date of Hearing : 14.10.2025

Date of Order : 14.10.2025

For the Applicant : Mr. Zulfiqar Ali Shaikh, Advocate.

For the Complainant : M/s. Shamsul Hadi and Abdul
Jaleel, Advocates.

For the State : Mr. Muhammad Noonari, DPG.

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ORDER

TASNEEM SULTANA, J: Through this bail application the applicants (1) Muhammad Aamir son of Muhammad Akram, (2) Muhammad Riaz son of Muhammad Akram, (3) Sabir son of Bahadur Khan, (4) Basal son of Sabir Hussain and (5) Imtiaz Ali son of Muhammad Akram seek pre-arrest bail in Crime No.821 of 2025, registered at Police Station Shah Latif Town, Karachi, under Section 147/148/149/452/337-F(i)/337-A(i)/427, PPC. Earlier their bail plea was declined by the learned VIth Additional Sessions Judge, Malir Karachi vide order dated 23.07.2025; they have now approached this Court for pre-arrest bail and interim pre-arrest bail was granted to them vide order dated 11.08.2025. The matter is now fixed for confirmation or otherwise.

2. Brief facts of the prosecution case as narrated in the FIR are that on 16.04.2025 Sabir Khan Son of Bahadur Khan, who is neighbor of the complaint, while raising construction of his house, broken the main hole before the house of the complainant including two other main holes of the area, the complainant made complaint to said Sabir Khan who has been annoyed and on 10.05.2025 at about 2130 hours Basal Khan, Abid Akram Son of Muhammad Akram, Riaz, Imtiaz Akram Son of Muhammad Akram, alongwith their one unknown identifiable persons, of them, Riaz Akram has pistol and other five have Dandas in their hands, with common intention forcibly entered inside the House and started to maltreat him, they

also pushed him in the street and maltreated there, meanwhile, his amount of Rs.48,600/- has been fallen down, and his mobile phone REAL ME was also broken. The complainant rushed the Police Station and got medical letter and after treatment came to report the matter.

3. Learned counsel for the applicant contends that the applicants are innocent and have been falsely implicated; that the applicants/accused have nothing to do with the alleged crime directly or indirectly; that the alleged incident took place on 10.05.2025, whereas the FIR was lodged on 13.06.2025, after unexplained delay of more than one month, which makes the prosecution story highly doubtful and requires further inquiry; that no specific role has been assigned to the applicant/accused by the complainant; that from the contents of FIR, all the sections are bailable except section-452, 337-F(i) PPC and the alleged offence does not fall within prohibitory clause of section-497 Cr.P.C; that investigation has been completed and challan submitted; therefore, interim pre-arrest bail granted earlier may be confirmed.

4. Conversely, learned DPG assisted by learned counsel for the complainant opposes the plea; submits that the FIR was lodged on the basis of petition under Section-22(A) Cr.P.C., therefore, the delay is explained by the complainant; that applicants/accused are nominated in FIR with specific role, they entered into the house of complainant and dragged him to the street and no malafide on the part of complainant has been shown; that bail in such cases is an extra ordinary relief. In support of his contentions, learned counsel for the complainant has relied upon the case laws reported as **2024 SCMR 1719; 2019 SCMR 11; and 2025 MLD 872.**

5. Heard. Record perused.

6. A perusal of record it appears that on 10.05.2025 at about 9:30 p.m., accused Muhammad Riaz, armed with a pistol, accompanied by Muhammad Amir, Imtiaz Ali, Sabir, Basal, and one unidentified person, forcibly entered the complainant's residence , where they allegedly assaulted and dragged the complainant into the street, maltreated him, and damaged his mobile phone while Rs.48,600/-

fell down. The incident is stated to have arisen from a neighborhood dispute concerning a sewerage main hole.

7. Despite the alleged occurrence having taken place in a thickly populated area, no independent witness has been cited or examined by the police. The background of admitted neighborhood rivalry and prior exchange of complaints between the parties prima facie further supports the inference that the present prosecution may have been initiated with mala fide intent to pressurize and harass the applicants. The medical evidence reflects simple injuries.

8. It also appears from the tentative assessment of the record that except for Sections 452 and 337-F(i) PPC, the remaining offences are bailable, and the overall accusation does not attract the prohibitory clause of Section 497(1) Cr.P.C. It is a settled proposition that when the offence does not fall within the prohibitory clause, the grant of bail is a rule and refusal an exception, particularly where the case discloses circumstances of further inquiry within the meaning of Section 497(2) Cr.P. Reliance in this regard is placed upon *Mukhtar Ahmad v. The State* (2016 SCMR 2064), *Rana Abdul Khaliq v. The State* (2019 SCMR 1129), and *Tariq Bashir v. The State* (PLD 1995 SC 34).

9. In view of the above discussed facts and circumstances, interim pre-arrest bail granted to the applicants (1) Muhammad Aamir son of Muhammad Akram, (2) Muhammad Riaz son of Muhammad Akram, (3) Sabir son of Bahadur Khan, (4) Basal son of Sabir Hussain and (5) Imtiaz Ali son of Muhammad Akram, vide order dated 11.08.2025 stands confirmed on the same terms and conditions.

10. The applicants shall attend the trial regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail according to law. The observations made herein are tentative in nature and shall not prejudice either party at trial.

JUDGE

Ayaz Gul