

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1831 of 2025

Applicants	Nazeer Ahmed & another through Mr.Mohammad Ajmal Jatui, Advocate.
Complainant	Shakeel Ahmed Korai through Mr.Zohaib Hassan Korai, Advocate.
Respondent	The State through Mr.Rahat Ahsan, Addl P.G
Date of hearing	03.11.2025.
Date of order	_____

### O R D E R

**TASNEEM SULTANA-J.**:-Through this criminal bail application, applicant seeks pre-arrest bail in Crime No. 483/2025 registered under Sections 324, 427, 504, 34, P.P.C. read with Sections 3 & 4 of the Lawyers Welfare and Protection Act, 2023 at Police Station Gulistan-e-Jauhar, Karachi.

2. Brief facts of prosecution case are that the complainant, an Advocate by profession, reported that earlier a compromise had been executed between accused Nazeer Bhatti, Ali Subhan son of Nazeer Bhatti, Shakoor Ahmed and others before the Karachi Bar Association in respect of Plot No. A-28, Block-11, Gulistan-e-Jauhar, Bhango Gabol Goth, Karachi. It is alleged that upon communication from the General Secretary of Karachi Bar Association regarding taking possession of the said plot under Police Protection Cell, the complainant along with his companion lawyers proceeded towards P.S. Gulistan-e-Jauhar. At about 1530 hours, when they reached near the gate of the Police Station, the nominated accused allegedly came from behind and attacked them with intention to kill. It is further alleged that co-accused Ali Subhan fired upon the complainant's vehicle No. BUE-078 causing damage to its rear glass and attempted to assault the complainant and his companion lawyers with firearm; however, police personnel timely intervened and apprehended co-accused Ali Subhan at the spot while the other accused escaped. Thereafter, the FIR was lodged.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated by the complainant, who is himself a practicing lawyer, with mala fide intentions in order to exert pressure regarding a civil dispute over a plot situated at Gulistan-e-Jauhar; that no incident as alleged in the F.I.R. ever occurred; that the allegations of firing and attack are fabricated and baseless; that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C.; that no injury was caused to anyone, and that the alleged incident at the gate of a police station in the presence of police staff itself creates serious doubt about the veracity of the prosecution case and that the applicants are not previous convicts or habitual offenders.

4. Conversely, learned Addl. Prosecutor General assisted by the learned counsel for the complainant opposed the grant of bail but did not dispute that no injury was sustained by any person in the alleged occurrence, nor that the alleged incident took place at the entrance of a police station.

5. I have heard the learned counsel for the parties and perused the material available on record.

6. The allegations in the F.I.R. pertain to an alleged attack with intention to commit murder; however, there is nothing on record to show that any injury was caused or any firearm was recovered from the possession of the applicants. Admittedly there exists civil dispute between the parties arising out of property possession, which has been given a criminal colour. The complainant's own admission that the incident occurred in front of a police station further reduces the probability of the occurrence in the manner alleged.

7. It is settled proposition of law that pre-arrest bail is an extraordinary relief granted to protect an innocent person from humiliation, disgrace, and unjustified arrest when mala fide on the part of the complainant or police is apparent on the face of record. In the present case, the applicants have shown that they were previously targeted through application under Section 22-A Cr.P.C however; it was dismissed., and that there exist sufficient grounds to infer mala fide and ulterior motives behind the registration of this case.

8. In the circumstances, the ingredients of section 324 PPC do not attract as far as case of present applicants is concerned. Besides, offence under Sections 427, 504, 34 P.P.C. and Sections 3 & 4 of the

Lawyers Welfare and Protection Act, 2023, in the circumstances of the case, does not appear to attract the prohibitory clause of Section 497 Cr.P.C. The applicants have remained on interim bail granted by this Court on 17.7.2025, have not misused the concession, and are regularly attending the Court proceedings.

9. It is well settled that where an offence does not fall within the prohibitory clause, the acceptance of bail is the rule and the rejection is an exception. Reliance in this regard can be placed on the case of **Sheikh Abdul Raheem v. The State and another (2021 SCMR 822)**.

10. Similarly the Honourable Supreme Court in the case of **Muhammad Tanveer V. The State and another (PLD 2017 SC 733)** has held as under:

*“Once this court has held in categorical terms that grant of bail in offences not falling within the prohibitory limb of section 497 Cr.P.C shall be a rule and refusal shall be an exception then the courts of the country shall follow this principle in its’ letter and spirit because principles of law enunciated by this court are constitutionally binding on all courts throughout the country including the Special Tribunals and Special Courts.”*

11. In view of the above, a case for confirmation of interim pre-arrest bail is made out. Consequently, the interim pre-arrest bail granted to the applicants vide order dated 17.7.2025 is hereby confirmed on the same terms and conditions.

Needless to say that these observations are tentative in nature which shall not influence the trial Court while deciding the case on merits.

**JUDGE**

Shabir/P.S