

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 680 of 2024
(Zamir Ahmed and 10 others versus The State)

Date	Order with signature of Judges
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For hearing of bail application

22.04.2024

Khawaja Naveed Ahmed, advocate for the applicants
Mr. Ahmed Ali Hussain, advocate for the complainant
Mr. Abrar Ali Khichi, Addl. PG for the State

It is alleged that the applicants with rest of the culprits and prosecution of their common object deterred PW Nazir Ahmed an official of this Court from discharging his lawful duty as public servant by keeping him under wrongful restraint and threatening him of dire consequence when he went to supervise raising of construction of the suit property of civil litigation in terms of Court's order dated 08.10.2023 passed in Execution Application No.35/2020, for that the present case was registered.

On refusal of pre-arrest bail by learned XII-Additional Sessions Judge, Karachi East, the applicants have sought for the same from this Court by making the instant bail application under section 498 Cr.P.C.

It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely; offence alleged against them is not falling within prohibitory clause and there is dispute with regard to location of the subject property as is indicated in order dated 22.06.2023 passed by this Court in Suit No.752/2023, therefore, the applicants are entitled to be admitted to pre-arrest bail on point of malafide and further inquiry, which is opposed by learned Addl. PG for the State and learned counsel for the decree holder by contending that the applicants have disobeyed the lawful order of this Court.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of about 25 days; such delay could not be overlooked. The complainant is not eyewitness of the incident. All the penal sections applied in FIR are bailable excepting one under section 506(ii) Cr.P.C; the applicability whereof requires determination at the trial. The case has finally been challaned and there is no allegation of misusing the concession of interim pre-arrest bail on the part of the applicants. In these circumstances, a case for grant of pre-arrest bail to the applicants on the point of further inquiry and malafide is made out.

In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

Instant bail application is disposed of accordingly.

J U D G E