

**IN THE HIGH COURT OF SINDH, AT KARACHI**

**PRESENT:-**  
**MR. JUSTICE MUHAMMAD IQBAL KALHORO**  
**MR. JUSTICE SHAMSUDDIN ABBASI.**

**CrI. Bail Application No.1099 of 2018**

Applicant Osama Salman Khan son of  
Rizwan Ghaznavi through Mr. Aamir  
Mansoob Qureshi, Advocate.

Respondent The State  
through Mr. Ali Haider Saleem, DPG  
a/w I.O. Inspector Aziz Ahmed Ghori  
of P.S. Liaquatabad, Karachi.

Date of hearing 13.11.2018  
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**ORDER**

**SHAMSUDDIN ABBASI, J:-** Applicant Osama Salman Khan is facing trial before Anti-Terrorism Court No.II, Karachi, in Special Case No.675 of 2018, arising out of FIR No.127 of 2018 registered at Police Station Liaquatabad, Karachi, for the offences punishable under Sections 385, 386 & 34. PPC read with Section 7 of Anti-Terrorism Act, 1997. He moved an application for grant of post arrest bail but the same was turned down by the trial Court vide order dated 01.08.2018.

2. FIR in this case has been lodged on 05.05.2018 at 0200 hours whereas the incident is shown to have taken place on the same day at 0030 hours. Complainant Zeeshan has stated that he is doing construction business and since last few months applicant Osama Salman Khan and one Amjad Shahani used to extort money from him by extending threats that they would get the construction work stopped by filing petition and under compelling circumstances he paid them Rs.20,000/- and Rs.30,000/- on different occasions. On 05.05.2018 they again called the complainant and demanded Rs.700,000/- as extortion money but he gave them Rs.20,000/- only whereupon they become annoyed and used abusive language which

attracted the Mohallah people and meanwhile police also arrived there and arrested the present applicant while accused Amjad Shahani made his escape good. Police recovered extortion money from applicant in presence of mashirs and then lodged FIR.

3. Pursuant to the registration of FIR, the investigation was followed and in due course the challan was submitted before the Court of competent jurisdiction under the above referred Sections.

4. It is, inter-alia, contended on behalf of applicant that he has been falsely implicated in this case with malafide intention and ulterior motives inasmuch the applicant filed C.P. No.151 of 2018 against builder mafia in respect of illegal and unlawful constructions in Liaquatbad Town as otherwise he has nothing to do with the alleged offence. It is next submitted that the applicant is a journalist by profession and he used to point out each and every illegal act and deed of mafias, therefore, the complainant has fabricated this false FIR against him. In support of his submissions, the learned counsel has referred to C.P. No.151 of 2018 filed by the applicant, notices issued in the said petition by this Court and copies of applications to various authorities against the complainant and prayed for grant of bail to the applicant.

5. Learned counsel for the complainant has chosen to remain absent.

6. Learned DPG, on the other hand, opposed the bail plea on the ground that applicant was arrested at the spot and extortion money has been recovered from his possession in presence of private mashirs, therefore, he does not deserve concession of bail.

7. We have given anxious consideration to the submissions of both the sides and perused the entire material available before us with their able assistance.

8. Record reflects that applicant filed C.P. No.151 of 2018 before this Court prior to registration of the FIR. No doubt the mashirs of arrest and recovery are private persons but in their

respective statements under Section 161, Cr.P.C. they have admitted personal relations with complainant. It is also important to note that the complainant has not stated a single word with regard to threats or that he would face dire consequences in case of non-payment of money. Motive disclosed by the complainant that in case of non-payment of amount they would get the construction work stopped by obtaining injunctive orders from this Court does not seem to be a valid and cogent ground. Admittedly, litigation is pending between the parties in Court and the applicant is behind the bars since 05.05.2018. Nothing is available on record to show that he is habitual offender or a previous convict. The challan has already been submitted and the applicant is no more required for further investigation. Furthermore, the offences under Section 385 and 386, PPC do not come within the prohibitory clause of Section 497, Cr.P.C. In the mentioned circumstances, we are of the considered view that the case of the applicant comes within the ambit of further inquiry in terms of Section 497(2), Cr.P.C. Accordingly, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.200,000/- (Rupees two hundred thousand) and P.R. Bond in the like amount to the satisfaction of the trial Court. It is, however, mentioned that the observations made herein above are of tentative assessment and shall have no bearing on the merits of the case.

9. The bail application stands disposed of in the foregoing terms.

JUDGE

JUDGE

Naeem