

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.681 of 2021**

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*Date* *Order with signature of Judge*

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*For hearing of Bail Application.*

**14.09.2021**

Mr. Sikandar Zulqarnain Unnar, Advocate along with Applicant (on bail).  
Ms. Rahat Ehsan, Addl. Prosecutor General, Sindh.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this application, applicant Sabir seeks his admission on pre-arrest bail in Crime No.322/2021 of Police Station Shah Lateef Town, Karachi, under Section 147/148/149/452/337-H(ii)/337-F(i)/506-B PPC. The bail plea preferred by the applicant before first forum was declined by means of order dated 17.03.2021, hence this bail application.

The crux of the prosecution case as unfolded by the complainant in his FIR are to the effect on the night falling between 27<sup>th</sup> & 28<sup>th</sup> February, 2021, he heard knocking of the door at 01:30 A.M and in respect to that he saw Sabir (the applicant) along with 4/5 persons was standing, who by pushing him (the complainant) entered into his house and started beating to him; meanwhile, extended threats/intimidations for causing his murder as well as his family. Later, all the accused decamped from the scene on their motorcycles by making fires in the area. The complainant called 15 helpline and then lodged the FIR against applicant and others; besides, produced two empty shells of 30 bore. The motive behind the incident is over dispute over ownership of the house.

The complainant, inspite of notice, has chosen to remain absent.

Learned counsel for the applicant submits that applicant has got enmity with the complainant over the issue of house which being civil dispute the complainant has dragged the applicant in criminal proceedings, aims to exert illegal pressure upon him. Next submits that all the injuries as alleged, are on non-vital part of the body of complainant; besides, the punishment provided by the law for the sections applied under the FIR does not exceed limits of prohibitory clause of section 497 Cr.P.C. He, therefore, submits that case against applicant requires further inquiry and prays for grant of bail as well as application.

Learned Addl. P.G, Sindh appearing for the State, opposes the bail application.

**Heard arguments and perused record.** Admittedly, the role attributed to the applicant is that he allegedly caused kicks and fists blows to the complainant and no weapon was used in the quarrel/scuffle. Moreover, the injuries allegedly shown to have sustained by the complainant are on his non-vital parts of the body for which no medical evidence is brought on record. The punishment provided by the law for the sections applied under the FIR, does not exceed limits of prohibitory clause of section 497 Cr.P.C. Furthermore, case has been challaned which is now pending for trial before the Court of 4<sup>th</sup> Judicial Magistrate, Malir Karachi, where charge against him has also been framed.

In the circumstances and in view of dicta laid down in case of *DUR MUHAMMAD Versus The STATE (1994 P.Cr.L.J 1769)* as well as dicta laid down by the Hon'ble Supreme Court of Pakistan in case of *MUHAMMAD TANVEER Versus The STATE and another (PLD 2017 SC 733)* followed/recognized in an unreported case of *IFTIKHAR AHMED Versus The STATE*, passed by Hon'ble Supreme Court of Pakistan under Criminal Petition No.529 of 2021 in terms of order dated 14.07.2021, case against applicants requires further inquiry within meaning of sub-section 2 to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicant **Sabir son of Meer Khan** on 22.04.2021 is hereby confirmed on same terms and conditions.

Before parting with this order; however, it is clarified that the reasoning given in this order are tentative in nature and will have no effect whatsoever in any manner upon the merits of the case.

Applicant present before the Court is directed to continue his appearance before the trial Court without negligence and in case he may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to take legal action against him as well to his surety in terms of Section 514 Cr.PC. Trial Court is also hereby directed to make necessary arrangements for securing attendance of the prosecution witnesses and conclude the trial within shortest possible time under intimation to this Court through MIT-II.

Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

***JUDGE***

Zulfiqar/P.A