

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.2437 of 2021

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| <i>Date</i> | <i>Order with signature of Judge</i> |
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For hearing of Bail Application.

07.02.2022

Ms. Shabana Sadiq, Advocate along with Applicants (on bail).
Mr. Zahoor Shah, Deputy Prosecutor General, Sindh.
Mr. Amjad Hussain Qureshi, Advocate for the Complainant.

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicants (i) Jehangir, (ii) Bilal Siddiq, (iii) Muhammad Siddiq and (iv) Mst. Zohra Siddiq seek their admission on pre-arrest bail in Crime No.321/2021 of Police Station Nabi Bukhsh, Karachi, under Section 337-F(vi)/337-L(ii)/337-A(i)/504/506/452/427 / 34 PPC. The applicants preferred their anticipatory bail before the Court of Sessions wherefrom it was assigned to 9th Addl. Sessions Judge, Karachi (South) vide Criminal Bail Application No.3547/2021 (re-Jehangir and others Versus The State), who after hearing the parties, has turned down their request through order dated 24.12.2021; hence, instant bail application has been maintained.

2. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.

3. Learned Deputy P.G, Sindh appearing for the State, submits though the applicants are nominated in FIR with specific role; however, the offence with which they have been charged, carries maximum punishment up to seven years, thus does not exceed limits of prohibitory clause of section 497 Cr>P.C. He; however, in view of above, does not oppose the bail application.

4. Learned counsel for the complainant submits copies of certain documents along with allotment order as well as objection over bail application, same are hereby taken on record.

5. **Heard arguments and perused record.** Admittedly, the dispute between complainant and the applicants is that complainant is in occupation of residential-government-quarter No.445 and the applicants being his sister, brother-in-law as well as nephews, have attempted to oust him from the quarter, therefore, due to such scuffle, a quarrel was made between the parties which resulted certain injuries on the person of complainant. A dispute over quarter as alleged, is involved in this case which controversy is yet to be thrashed out by the trial Court after recording evidence of the parties. As far as, instant case is concerned, all the offences with which applicants have been charged, carries maximum punishment up to seven years and thus does not exceed limits of prohibitory clause of section 497 Cr.P.C.

6. In the circumstances and in view of 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)*, case against the applicants requires further inquiry within the meaning of sub-section 2 to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicants **(i) Jehangir son of Muhammad Siddiq, (ii) Bilal Siddiq son of Muhammad Siddiq, (iii) Muhammad Siddiq son of Ghulam Rabbani and (iv) Mst. Zohra Siddiq wife of Muhammad Siddiq**, on 29.12.2021 is hereby confirmed on same terms and conditions.

7. 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.

8. Applicants present before the Court are directed to continue their appearance before the trial Court without negligence and in case they may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to take legal action against them as well to their 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.

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

JUDGE