

IN THE HIGH COURT OF SINDH, AT KARACHI

Cr. Bail Application No. 54 of 2022

Applicants : (1) Ummad Yousuf Butt s/o Muhammad Yousuf Butt and (2) Gulsher s/o Amirzada, through Mr. Asghar Ali Azad, advocate

Respondent : The State, through Ms. Rahat Ehsan, Additional Prosecutor General

Complainant : Muhammad Ishaq s/o. Muhammad Shafi, through Mr. Shoukat Iqbal, advocate

Date of hearing : 25.05.2022

Date of order : 25.05.2022

ORDER

ZAFAR AHMED RAJPUT, J:- Through instant Criminal Bail Application, applicants/accused Ummad Yousuf Butt s/o Muhammad Yousuf Butt and Gulsher s/o Amirzada seek pre-arrest bail in Crime No. 574/2021, registered at P.S. Zaman Town, Karachi under section 147, 148, 149, 452, 506, P.P.C. Their earlier application for the same relief bearing No. 3047/2021 was dismissed by the learned Sessions Judge, Karachi-East, vide order dated 21.06.2021. They were admitted to interim bail by this Court vide order, dated 18.01.2022, now the matter is fixed for the confirmation of the same or otherwise.

2. It is alleged that on 05.06.2021 at about 12:30 a.m. applicants, co-accused Junaid Siddiqui and 25/30 unknown persons, in furtherance of their common intention entered in the PRL Grid Station of K-Electric, situated near office of "Boll TV Channel", Korangi Creek, Karachi, out of whom some were armed with weapons, who maltreated security staff deployed there and tried to enter the sensitive area of the grid station in order to damage sensitive installations; cause injuries to staff members and also threatened to set on fire the grid station and thereafter went away.

3. After hearing the learned counsel for the parties as well as learned Additional Prosecutor General and perusing the material available on record, it

appears that no specific role has been attributed to the applicants in the commission of alleged offence and allegations against them are general in nature. The presence of the applicants at the place of alleged incident *prima facie* is not supported by the CCTV footage/video relied upon by the prosecution, which also does not show that the applicants ever tried to set on fire the grid station. Moreover, section 506, P.P.C. is bailable, while section 452, P.P.C does not fall within the prohibitory clause of section 497, Cr.P.C. The I.O after completing investigation has submitted the challan before the trial Court, while the applicants after being granted interim pre-arrests bail are attending the trial Court regularly and there is no complaint of misusing the concession of interim bail; hence, the interim bail granted to applicants is confirmed on the same terms and conditions.

4. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant(s) misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law

Cr. Bail Application stands disposed of.

JUDGE

Athar Zai