

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No. 1723 of 2020
Crl. Bail Application No. 1677 of 2020.

Date Order with signature of Judge

For hearing of bail application.

12th January 2021

Mr. Saeed Ahmed Awan, advocate for applicant/accused.
Mr. Ahmed Ghaffar, advocate for complainant alongwith
complainant.
Mr. Fahim Hussain Panhar, Deputy P.G. Sindh.

Heard learned counsel for the applicant/accused.

It is alleged that applicants Muhammad Naeem Shafi and Muhammad Naseem Shafi alongwith others caused injuries to the complainant Mst. Zahira. Accused Muhammad Naeem Shafi is husband of complainant; as per medical report there is fracture on left arm of the victim; offence is not falling within prohibitory clause; in view of *Tariq Bashir v. State* (PLD 1995 Supreme Court 34), it is settled proposition that if case is not falling within prohibitory clause, grant of bail is a rule and its refusal is an exception. Besides, it appers that both brothers are residing in the same building and issue pertains to domestic violence Act. Accordingly, this is case of further inquiry; applicant/accused Muhammad Naeem Shafi is admitted to post arrest bail in the sum of Rs.50,000/- granted post arrest bail in the sum of Rs.50,000/- and P.R. Bond in the like amount to the satisfaction of the trial Court, whereas applicant Muhammad Naseem, who was granted interim pre-arrest bail, his bail is confirmed. Besides, District & Sessions Judge, Karachi Central is hereby directed to depute any Magistrate having jurisdiction who shall call the parties, hear them under the Domestic Violence (Prevention and Protection) Act, 2013 shall proceed in accordance with law. Reference can be made PLD 2019 Sindh 363.

JUDGE