

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Crl. Bail Application No. 2058 of 2022

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**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

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For hearing of bail application.

**08-03-2023**

Mr. M.S. Bukhari, Advocate a/w applicant.

Mr. Bhagwan Das Bheel, Advocate for complainant.

Ms. Robina Qadir, Addl.P.G.

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**Omar Sial, J:** It is alleged by the prosecution that an Anti-Encroachment time had gone to demolish encroachments in Malir when it was attacked by a group of 11 people who had sticks and weapons and who according to the prosecution fired upon the Anti-Encroachment team. The applicant was one 1 of those 11 people. F.I.R. No. 158 of 2022 was registered under sections 147, 148, 149, 353, 324 and 186 P.P.C. at the Gulshan Maymar police station. The applicant applied for bail but the application was dismissed on 17.10.2022 by the learned 2<sup>nd</sup> Additional Sessions Judge, Karachi West.

2. Learned counsel for the Anti-Encroachment department submitted that the applicant was a land grabber who had hindered operations being conducted by the Anti-Encroachment department. He however conceded that no person was injured or property damaged during the alleged incident. The charge under section 324 P.P.C. therefore requires further inquiry. The rest of the offences with which the applicant is charged fall within the non-prohibitory clause of section 497 Cr.P.C. Keeping in mind the principles enunciated in the Tariq Bashir and 5 others vs The State (1995 PLD SC 34) I do not see any extraordinary or exceptional grounds to deny the applicant bail. I also note from the record that the investigating officer himself has acknowledged that the applicant and others charged in the offence have been living in that area which was sought to be demolished for 2 generations. If that is the case, the prosecution will have to explain at

trial that the operation being conducted by it was legal and duly authorized. At this preliminary stage the fact that the prosecution identifying all the perpetrators along with their parentage seems odd and hence malafide cannot be conclusively ruled out.

3. For the above reasons the interim pre-arrest bail granted to the applicant stands confirmed on the same terms and conditions.

JUDGE