

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 469 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

03-04-2023

Mr. Abdul Munawar, associate of Mr. Naeem Qureshi, Advocate a/w applicant.

Mr. Talib Ali Memo, A.P.G.

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Omar Sial, J: Kashif has sought pre-arrest bail in crime number 313 of 2021 registered under sections 504 and 506/2 P.P.C. at the Frere police station. Earlier, his application seeking bail was dismissed by the learned 3rd Additional Sessions Judge, Karachi South on 15.01.2022.

2. A brief background to the case is that the aforementioned F.I.R. was registered on 28.12.2021 on the complaint of one Rasheed Ahmed. Ahmed recorded that his daughter Komal was married to the applicant but that soon thereafter Kashif was abusive towards Komal. On 28.09.2021 Komal filed a complaint against her husband Kashif and her brother-in-law Wasif at the New Town police station. 3 months later i.e. on 26.12.2021, Kashif and Wasif, both came to the complainant's house and manhandled them. Kashif had a pistol with him.

3. I have heard the learned counsel for the applicant and the learned APG. Notices were issued to the complainant, who could however not be found. My observations and findings are as follows.

4. An offence under section 504 P.P.C. is a bailable offence, whereas there is not sufficient evidence on record right now to conclusively say that an offence under section 506/2 occurred. Even otherwise an offence under section 506/2, although not bailable falls within the non-prohibitory clause of section 497 Cr.P.C. I do not see any exceptional or extraordinary grounds in the present case to deny the applicant bail.

5. Above are the reasons for the short order dated 30.03.2023.

JUDGE