

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Misc. Appl. No.566 of 2024
(Bashir Ahmed v. Shaikh Noman Amjad and another)

Date	Order with signature of Judge
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1. For orders on MA No.7082/2024
2. For orders on MA No.7083/2024
3. For hearing of main case

30.05.2024

Mr. Shafique Ahmed, advocate for the applicant

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1. Granted.
2. Granted subject to all just exceptions.
3. It is alleged that the applicant by making a trespass has encroached upon his plot. Based on such allegations, he lodged an FIR with PS Korangi Industrial Area. The private respondent on his involvement in the subject case sought pre-arrest bail; it was granted to him by learned XIIth- Additional Sessions Judge Karachi East vide order dated 21.05.2024, which is sought to be cancelled by this Court by the applicant by way of instant Crl. Misc. Application u/s 497(5) Cr. P C.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about four days; such delay could not be overlooked. All the penal sections applied in FIR are bailable except under Section 452 PPC; it is not falling within the prohibitory clause. The parties are said to be disputed over possession of the subject plot. There is no allegation of misusing the concession of bail on the part of the private respondent; in these circumstances, it would be unjustified to cancel his bail.

Consequent to the above discussion, the instant Crl. Misc. Application is dismissed in *limine*.

J U D G E