

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.681 of 2024  
Criminal Bail Application No.677 of 2024

Applicant in CrI. : Tanveer Ahmed son of Muhammad Hanif  
B.A. No.681/2024 through Mr. Muhammad Hanif, Advocate

Applicant in CrI. : Kashif Ahmed son of Nafees Ahmed  
B.A. No.677/2024 through Mr. Muhammad Hanif, Advocate

Complainant : Matloob Hussain son of Ghulam Razzaq  
through Mr. Saeed Ahmed Khoso, Advocate

Respondent : The State  
through Mr. Muhammad Noonari, D.P.G.  
a/w PI/I.O. Arshad Javed

Date of hearing : 10.07.2024

Date of order : 10.07.2024

### **ORDER**

**AMJAD ALI SAHITO, J** - By this common order, I intend to dispose of both these bail applications wherein applicants/accused seek pre-arrest bail in FIR No.283/2024 U/s. 147, 149, 337-A(i), 337-F(vi) PPC at PS KIA, after their bail plea has been declined by learned IVth Addl. Sessions Judge, Karachi East vide order dated 20.03.2024.

2. The details and particulars of the FIR are already available in the memo of bail application and FIR, which can be gathered from the copy of FIR attached with the application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicants, the applicants are innocent and have falsely been implicated in this case; that the FIR is delayed about 24 days, for which no plausible explanation has been furnished; that after obtaining bogus medical certificate, the instant FIR was registered otherwise no offence has been committed; that though there is a dispute between the parties over the property but the complainant intentionally filed a criminal case against the applicants. Lastly, he prays for confirmation of bail.

4. On the other hand, learned counsel for the complainant has argued that there is medical certificate to support the version of

the complainant. Learned D.P.G. duly assisted by the I.O. has adopted the arguments advanced by him.

5. Heard and perused. From perusal of record, it reflects that there is a delay of about 24 days in lodging the FIR for which no plausible explanation has been furnished by the complainant. Further, after 20 days the final medical certificate was produced at police station. Learned counsel for the applicant submits that after managing bogus certificate, the complainant has lodged false FIR, otherwise admittedly there is a dispute over the property. Further, second I.O. Inspector Arshad Javed is present and states that on the order of AIG, Karachi the case has been transferred to him and further time may be given to conduct the further investigation. At bail stage, only a tentative assessment is to be made and deeper appreciation is not permissible under the law. Learned counsel for the applicants has also pleaded malafide on the part of complainant.

6. In view of the above stated position, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail applications are allowed. The pre-arrest bail granted to the applicant vide order dated 22.03.2024 in both the bail applications is hereby confirmed on the same terms and conditions. Applicants/accused are directed to attend the trial as and when required. However, it is made clear that if the applicants/accused misuse the concession of bail, learned trial Court would be at liberty to take appropriate action.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Kamran/PA