

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 1297 of 2024

<i>Date</i>	<i>Order with signature of Judge</i>	
Applicants	:	through Mr. Shah Muhammad Zaman, Advocate
1. Ghulam Umar son of Azizullah Gopang		
2. Aamir Khan son of Ghulam Umar		
3. Nadeem Ali Gopang son of Muhammad Ibrahim (present on bail)		
The State	:	Through Mr. Saleem Akhtar Buriro, Addl. Prosecutor General, Sindh.
Complainant Muhammad Khan	:	In person
Date of hearing	:	07.10.2024
Date of order	:	07.10.2024

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicants seek their admission to pre-arrest bail in Crime No.158 of 2024 registered with Police Station Bin Qasim, Karachi, for the offence punishable to Section 147, 148, 149, 324, 452, 337-A(i) & 324 PPC. The applicant preferred their anticipatory bail before the Court of Sessions wherefrom it was assigned to Addl. Sessions Judge-VI, Malir Karachi, who after hearing the parties, has turned down their request through order dated 05.06.2024; hence, instant bail application has been maintained.

2. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.

3. Learned counsel for the applicants submits that there are general allegations against all accused and none of them has been assigned any specific role, therefore, allegedly sustained by the injured has not been specified to any of the accused. He further submits that punishment provided by the law for the offence with which applicants have been charged, carries maximum punishment up to seven years, therefore, does not exceed limits of prohibitory clause of section 497 Cr.P.C. Moreover, the co-accused having similar role have been granted bail.

4. On the other hand learned Addl. P.G, Sindh appearing for the State, opposes the bail application; however, could not controvert the fact that none of the accused have been assigned any specific role.

5. Complainant present in person, also opposes the bail application and submits that he is still under threat at the hands of accused, therefore, prays for dismissal of bail application.

6. **Heard arguments and perused record.** Admittedly, the applicants are nominated in the FIR; however, role assigned to them is that they all allegedly had caused Danda blows to complainant party which resulted injury to injured on his various parts. The injury allegedly sustained by the injured has been declared to be Shajjah-e-Mudihah (337-Aii PPC) which carries maximum punishment up to five years only; besides, section 452 PPC also does not exceed limits of prohibitory clause; whereas, section 427 isailable. The case has been challaned, where accused have surrendered and no complaint with regard to misuse of concession extended to them has been brought on record.

7. In the circumstances and in view of dicta laid down by the Hon'ble Supreme Court of Pakistan in case of *MUHAMMAD TANVEER Versus The STATE and another (PLD 2017 SC 733)*, case against applicants requires further inquiry in terms of subsection (2) to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicants **(i) Ghulam Umar son of Azizullah Gopang, (ii) Aamir Khan son of Ghulam Umar, and (iii) Nadeem Ali Gopang son of Muhammad Ibrahim** on 10.06.2024 is hereby confirmed on same terms and conditions.

8. Applicants present before the Court are directed to continue their appearance before the trial Court without negligence and in case they may misuse the concession or may temper with the prosecution's evidence then the trial Court would be competent to take legal action against them as well to their surety(ies) in terms of Section 514 Cr.PC. Trial Court is also hereby directed to make necessary arrangements for securing attendance of the prosecution witnesses and conclude the trial within shortest possible time under intimation to this Court through MIT-II.

9. Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

JUDGE

Zulfiqar/P.A