

IN THE HIGH COURT OF SINDH, KARACHI

Crl.Bail.Appln.No. 2682 of 2024

Before

Mr.Justice Ali Haider Ada

Shoaib Ahmed Khan son of : M/s Arshad Hussain Lodhi and
Masood Ahmed Khan and : Tajjamui Hussain Lodhi,
Danial Ahmed son of shoaib : Advocates
Ahmed Khan, applicants,
through

Samreen Ayoub, complainant : Ms. Rubina Qadir DPG
alongwith :
through, the State : DSP Sardar Sahib PS Shadman
Shadab, I.O/SIP Aneela Qadir
and SIO/I.O Mujahid Hussain

Date of hearing : 24.02.2025
Date of Order : 24.02.2025

ORDER

ALI HAIDER ADA---J., Through this criminal bail application, the applicants seeks confirmation of ad interim pre arrest bail earlier granted to the applicants vide order dated 16.11.2024, hence the same ripe up for confirmation or otherwise. The applicants are being booked in Crime No. 658 of 2024, registered at Police Station Taimoria District Central Karachi for an offence punishable under Section 504, 506, 354-A, 337-A(i) and 34 PPC. The alleged FIR was registered on 08.09.2024 as the date of incident was mentioned as 07.03.2024.

2. The complainant in her FIR narrated that she along with her husband were available at the place of occurrence on 07.09.2024 in after noon (2300 hours) they were seated in Union Office, the Committee Members were also present, in which the applicant along with other people appeared and hit them which was hit on her right thigh when husband of the complainant tried to save her in which she also sustained injuries, her cloths were torn; she submits that for the purpose to burn the

house issuance of threats were also given; after completion of formalities the FIR was registered.

3. Learned counsel for the applicants submits that prior to the incident, one Haris who is the local inhabitant filed application against the complainant party for their so-called Union. Further learned counsel submits that the inhabitants of locality after registration of FIR filed application before the police functionaries in which they stated that no incident were taken place, while the 161 CrPC statement were also recorded by the Investigation Officer which is available at Page 127 in which the inhabitants made submission before the Investigation Officer that no incident has taken place. Learned counsel further submits that iron rod was not recovered from the hands of applicant but presented by the complainant; further submits that all the offences are bailable and Section 354-A requires evidence and it is yet to be established at the time of evidence and after the matter requires further evidence, then the matter falls under the further inquiry. Further submits that it is mala fide of the complainant as the illegal Union is running at the hands of complainant party.

4. The complainant is present in person submits that the applicants are CIA police officials even they are fully involved in this case, as further she submits that still she is under threats and she provided the material to the Investigation Officer and on such material the occurrence is very much available, she submits that the recovery of iron rod was in league of applicant party as they committed the offence which does fall under the prohibitory clause of Section 497 Cr.PC.

5. Learned DPG submits that the role of the present applicants is very much available and they are not entitled for concession of confirmation of ad interim pre arrest bail as the evidence is also available against them.

Applicants are fully involved in the said crime. The Investigation Officer who is present submits that he received one what's app message from the complainant but during scrutiny of the such video clip no incident is seen. Upon query of this Court that either such aspect is part of investigation in which replied that the same is not the part of investigation.

6. Heard and perused the material available on record.

7. Record reflects that the mashirnama of place of occurrence was prepared on 11.09.2024 after the lapse of two days, so it is yet to be determined at the time of the trial about such recovery. The delay in registration of FIR is one day which is not plausibly explained as the complainant by profession is an Advocate, so must be aware the Law in that aspect. Further the medical evidence as per Medical Officer is that the injuries which were caused allegedly as mentioned in the FIR, the same falls under Section 337-A(i) and 337-F(i), both the offences are bialabe in nature and Section 354-A PPC is concerned, the same requires evidence as local inhabitants deposed against the complainant. It is well settled principle of law that doubt if arises then goes in favour of the applicant even at bail stage.

8. In view of the foregoing circumstances, the ad interim pre arrest bail earlier granted to the applicants vide order dated 16.11.2024 is hereby confirmed on the same terms and conditions.

Note:- The observations made hereinabove are tentative in nature and will not prejudice case of either party at the trial.

J U D G E