

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appln. No.685 of 2025.

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Date:                      Order with signature(s) of the Judge(s)  
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- 1. For Orders on Office Objection a/w reply as at 'A'.
- 2. For Hearing of Bail Appln.

10<sup>th</sup> April, 2025.

Mr. Altaf Hussain advocate for the applicant a/w applicant [on interim bail].  
Complainant Rashid Ali Ali is present in person.  
Mr. Qamaruddin Nohri, APG.  
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**KHALID HUSSAIN SHAHANI J.** The applicant seeks pre-arrest bail in a case bearing crime No. 135/2025, offence u/s 147, 148, 149, 448, 337-H(ii), and 34 PPC of Police Station SSHIA, Karachi. His earlier bail plea was declined by the Court of learned Additional Sessions Judge-III/MCTC Malir Karachi vide order dated 07.03.2025.

2. I have heard the learned counsel for the applicant as well as the learned Additional Prosecutor General, Sindh, representing the State, and have perused the material available on record.

3. The offences alleged in the FIR, on a bare perusal, are bailable in nature, and notably, do not fall within the prohibitory clause of Section 497 Cr.P.C. It is a settled principle of law, as expounded by the Hon'ble Supreme Court in the case of *Tariq Bashir and others v. The State* (PLD 1995 SC 34), that accused put claim bail as of right in bail-able offence.

4. Moreover, reliance may also be placed on the judgment of the Hon'ble Supreme Court in the case of *Rana Arshad v. Muhammad Rafique and another* (PLD 2009 SC 427), wherein the Court held that the extraordinary remedy of pre-arrest bail is permissible even in cases of non-bailable offences if the accused can establish mala fide on the part of the complainant or police, or if there are circumstances suggesting false implication. The Court also underscored that the purpose of pre-arrest bail is not to shield the guilty from arrest but to protect innocent persons from illegal harassment and unjustified arrest.

5. In the present case, no direct or specific role has been attributed to the applicant indicating use of any weapon or causing any injury. The alleged offences are of a general nature involving a group, and the applicability of vicarious liability under Sections 147, 148, and 149 PPC would be a matter requiring deeper appreciation of evidence at trial. Furthermore, the applicant has remained associated with the investigation and has not misused the concession of interim bail granted earlier.

6. In light of the foregoing, and keeping in view the guiding principles laid down in the aforementioned cases, I am of the tentative opinion that the applicant has succeeded in making out a case for the confirmation of pre-arrest bail, which falls within the scope of further inquiry as contemplated under Section 497(2) Cr.P.C.

7. Consequently, the interim pre-arrest bail earlier granted to the applicant vide order dated 17.03.2025 is hereby confirmed on the same terms and conditions. The applicant, who is present before the Court, is directed to continue to appear before the learned trial Court as and when required, and shall not cause any delay or negligence in the proceedings.

**JUDGE**

Shahbaz