

**ORDER SHEET**  
**HIGH COURT OF SINDH AT KARACHI**  
**Crl. Bail Appl. No.785 of 2024.**

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| Date | Order with signature of Judges |
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For hearing of Bail Application.

**28.10.2024.**

Mr. Mamoon K. Sherwani, Advocate along with Applicant  
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General

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**Mohammad Karim Khan Agha, J:-** Applicant Hammad Khan was booked in FIR No.447/2023 under Section 354/506-B/337-A(i)/34 PPC r/w 397/337-(ii)/452 PPC registered at PS Gulshan-e-Maymar, Karachi. He applied for pre arrest bail before Court of Xth Additional Sessions Judge (West) Karachi which was declined vide order dated 30.03.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant gave private tuitions to the children at her house. On 27.09.2023 during the tuition session the applicant entered into the house of complainant and some dispute arose over a marriage issue whereupon the co-accused Nazia slapped the complainant and applicant made video of this. Both co-accused Nazia and the applicant then started beating the complainant and in between applicant Hammad hit butt of the pistol on the complainant's head which caused injury. Applicant and co-accused Nazia also issued threats to the complainant. Hence the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant and perused the record. I have also heard learned Addl. Prosecutor General Sindh and the Complainant in person, who both opposed the grant of bail.

4. At the outset it is noted all the offence for which the applicant has been charged carry less than 10 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no

exceptional circumstance existing in this case in order to decline the bail. In this case no video recording of the incident has been recovered and no pistol has also been recovered. Medical evidence is not conclusive about the weapon which caused injury and the injury caused to the complainant carries maximum sentence of 05 years imprisonment. It is noted that the co-accused Nazia has already been granted bail. Per learned counsel for the applicant evidence is started to be recorded by the next date of hearing as such the applicant is no longer required for further investigation.

5. Under these circumstances I find this case to be a case of further inquiry hence pre-arrest bail granted earlier on 05.04.2024 to the applicant **Hammad Khan** is hereby confirmed on the same terms and conditions.

6. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court within 03 months of the date of this order and no adjournment on any flimsy ground shall be allowed. In the event if the applicant misuses the concession of bail, the complainant shall be free to approach relevant forum for cancellation of his bail. Copy of this order shall be sent to Xth Judicial Magistrate (West) Karachi for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

**JUDGE**

**MAK/PS**