

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Application No.1819, 1824, 1992 and 2039 of 2025

Present:

Justice Zafar Ahmed Rajput, ACJ

Justice Miran Muhammad Shah

Applicants : (1) Muhammad Taufiq s/o Abdul Ghani and
(In Cr. Bail No.1819 of 2025) (2) Ali Irtiza s/o Muhammad Taufiq [on interim pre-arrest bail], through Mr. G.M. Korai, Advocate.

Applicants : (1) Mufti Hameedullah s/o Nazeer Ahmed
(In Cr. Bail No.1824 of 2025) Misri and (2) Meherban Ali s/o Qurban Ali [on interim pre-arrest bail]

AND

Applicant : Mian Umar Wajid S/o Mian Abdul Wahid
(In Cr. Bail No.1992 of 2025) through Mr. Hashmat Khalid, Advocate, along with Mr. Zahid Ali Maitlo, Advocate.

Applicant : Abdul Mateen S/o Hafiz Pir Muhammad
(In Cr. Bail No.2039 of 2025) through Mr. Makhdoom Muhammad Talha, Advocate.

Respondent : The State, through Mr. Abrar Ali Khichi, Additional Prosecutor General, Sindh (**Addl. PG**), along with Investigation Officer, Inspector Shah Muhammad Sario.

Complainant : Mirza Pervez S/o Enayat Boota through Mr. Muhammad Arif Afzal Khan, Advocate, along with Mr. Hyder Farooq Jatoy, Advocate.

Date of hearing : 22.09.2025

Date of order : 22.09.2025

ORDER

ZAFAR AHMED RAJPUT, ACJ:- By this common order, we intend to dispose of above listed Cr. Bail Applications, as the same being arisen out of same Crime/ FIR No.397 of 2025, registered under sections 147, 148, 149, 186, 395, 302, 324, 436, 427, 342 and 355, PPC read with section 7 of the Anti-Terrorism Act, 1997 (ATA), at P.S. Manghopir, Karachi-West, have been heard by us together.

2. Applicants/accused, Muhammad Taufiq & Ali Irtiza (*through Cr. Bail Appln. No.1819 of 2025*) and Mufti Hameedullah & Meherban Ali (*through Cr. Bail Appln. No.1824 of 2025*), seek confirmation of interim pre-arrest bail granted to them by this Court in aforesaid crime vide separate orders, dated 16.07.2025. Their earlier applications for the same relief bearing Cr. Pre-Arrest Bail Applications No.157 & 159 of 2025, respectively, were dismissed by the Anti-Terrorism Court No. XI, Karachi (**Trial Court**), vide separate orders, dated 14.07.2025. While, applicants/accused, Mian Umar Wajid (*through Cr. Bail Appln. No.1992 of 2025*) and Abdul Mateen (*through Cr. Bail Appln. No.2039 of 2025*), seek post-arrest bail in the aforesaid crime. Their earlier applications for the same relief, bearing Cr. Bail Applications No.173 and 201 of 2025, respectively, were declined by the Trial Court vide orders dated 28.06.2025 and 23.07.2025, respectively.

3. Briefly stated facts of the case are that, on 23.05.2025 at about 1930 hours, complainant, Mirza Pervaiz, lodged the aforesaid FIR alleging therein that he was having 10% shareholding in the project of Mehran Construction Company and he had been serving for last ten years as General Manager in Tasman Construction Company's project having its office in Bungalow No. A-2, Block-2, Phase-1, Mehran City, Manghopir, Karachi where Talib Hussain, Rehman, Muhammad Shah and Ghulam Mustafa were posted as security guards; that on the said day, at about 2:45 p.m., he was on his way to his office, when he saw some miscreants, who were firing with their automatic weapons at his office and on his security guards; that he informed one Mirza Sahib, who called the police and, during police operation, a mob of malevolent individuals started pelting stones at the police, who resorted to aerial firing and tear-gas shelling to disperse them; that Munir Ahmed (*staff member*), a guest, Shaheen, and Talib Hussain sustained serious injuries, while police apprehended two persons, namely, Zahid and Dawood from the scene; that during the attack, motorcycles and office furniture were set on fire, mobile phones and cash were snatched from the injured guards, and several arms,

including one SMG rifle with live rounds, a 30-bore pistol and one MP-5, were procured from the guards and office; that the injured were shifted to Abbasi Shaheed Hospital, where Talib Hussain succumbed to his injuries; that on enquiry, he came to know the names of several assailants, including the applicants and others who, along with 20-25 unknown persons, allegedly attacked his office, set it on fire, assaulted the security staff with intent to commit their murder, caused death of Talib Hussain, and created terror in the vicinity by resorting to firing and damaging Government vehicles. Hence, this FIR.

4. Mr. G.M. Korai, learned counsel representing the applicants in Cr. Bail Application No.1819 of 2025, has contended that the applicants are innocent and have falsely been implicated in this case by the complainant with mala fide intention and ulterior motive, in connivance with police officials and paid persons, to harass and blackmail them in connection with a property dispute; that the complainant is a land-grabber and by using his political influence, he has lodged false FIRs against the applicants to pressurize them for relinquishing possession of their properties; that the complainant could not possibly identify the applicants among 400–500 persons allegedly present at the time of incident; that the dispute, being of private nature arising out of property ownership, does not attract sections 6 & 7 of the ATA, as held by the Apex Court in a case reported as *PLD 2020 SC 61*; that the alleged death of the deceased is shrouded in mystery, unsupported by medical evidence; that one co-accused, Naveed Gulzar, nominated in the FIR, has already been released by the I.O.; hence, the guilt of the applicants calls for further inquiry entitling them to the confirmation of their interim pre-arrest bail.

5. Mr. Hashmat Khalid, learned counsel for the applicants in Cr. Bail Application No.1824 & 1992 of 2025 has submitted that the applicants have been implicated in this case by the complainant with mala fide intention and ulterior motive; that the allegations leveled in the FIR are false, fabricated, and concocted;

that neither any specific role has been assigned to any of the applicants nor is there any direct or circumstantial evidence connecting them with the alleged offence; that the dispute between the parties pertains to the affairs of Mehran City, regarding which the applicants and other residents have already filed C.P. No. D-1469 of 2025, which is pending adjudication before this Court and the present FIR has been lodged with mala fide intent to exert pressure upon the applicants; that the case of the applicants requires further probe; hence, the applicants in the former bail application deserve confirmation of their interim bail, while the applicant in the latter bail application is entitled to the grant of post-arrest bail.

6. Mr. Makhdoom Muhammad Talha, learned counsel appearing on behalf of the applicant in Cr. Bail Application No.2039 of 2025, has argued that the applicant has maliciously been involved in this case, who has no role or connection with the alleged incident; that 45 accused, including the applicant, have been nominated in the FIR, which fact alone is sufficient to establish malice and ill will of the complainant against accused with whom he has personal enmity; therefore, the applicant is entitled to be enlarged on post-arrest bail.

7. Conversely, learned Addl. PG as well as learned counsel for the complainant have opposed these applications on the grounds that the applicants are specifically nominated in the FIR for the commission of heinous offences; that the material collected during investigation fully establishes the prosecution case; that the incident, having been committed in a brutal and organized manner, created terror and panic in the area, thereby attracting the relevant provisions of the ATA; that the release of those applicants who are in custody or confirmation of interim pre-arrest bail to those already enlarged thereon is likely to result in tampering with the prosecution evidence and influencing of witnesses; that no mala fide on the part of the police or the complainant has been established; hence, these bail applications do not merit consideration and are liable to be dismissed.

8. Heard, record perused.

9. It appears from the perusal of the record that the applicants Muhammad Taufiq, Ali Irtiza, Mufti Hameedullah, Meherban Ali and Abdul Mateen (*arrested on 01.07.2025*) are nominated in the FIR but no specific role has been assigned to them and the allegations against them are general in nature. They have been nominated in the FIR along with co-accused, Naveed Gulzar, who has been released by the I.O. under section 497 (2), CrPC. While applicant Mian Umar Wajid is not named in the FIR; he was arrested on 26.05.2025. The complainant has not disclosed the source of information about his involvement in the alleged incident. Moreover, it is matter of record that the said applicant along with others has already filed C.P. No. D-1469/2025 against the builders of Mehran City which is pending adjudication. Under the circumstances, the question of vicarious liability of the present applicants with regard to the commonness of their intention, if any, for committing alleged murder of Talib Hussain and causing injuries to injured persons will be determined at the trial.

10. For the foregoing facts and reasons, we have found the case against the applicants/accused to be one of further inquiry into their guilt, as envisaged under subsection (2) of Section 497, Cr.P.C.; hence, the interim pre-arrest bail granted to the applicants, Muhammad Taufiq S/o Abdul Ghani & Ali Irtiza S/o Muhammad Taufiq in Cr. Bail Application No.1819 of 2025, and Mufti Hameedullah S/o Nazeer Ahmed Misri & Meherban Ali S/o Qurban Ali in Cr. Bail Application No.1824 of 2025, vide orders dated 16.07.2025, is confirmed on the same terms and conditions, while applicant, Mian Umar Wajid S/o Mian Abdul Wahid, in Cr. Bail Application No.1992 of 2025 and applicant, Abdul Mateen S/o Hafiz Pir Muhammad, in Cr. Bail Application No.2039 of 2025 are admitted to post-arrest bail, subject to their furnishing solvent surety in the sum of Rs. 200,000/- (Rupees two hundred thousand only) each and P.R. bond in the like amount to the satisfaction of the Trial Court.

11. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the Trial Court while deciding the case of the applicants on merits. However, in case the applicant(s) misuses the concession of bail in any manner, the Trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

12. Above are the reasons of our short order dated 22.09.2025.

ACTING CHIEF JUSTICE

JUDGE

Tahseen/PS