

IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Appln No.3108 of 2025

Date	Order with Signature of Judge
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For hearing of bail application

02.01.2026

Mr. Ashiq Muhammad, Advocate for the applicant.
Mr. Muhammad Ajmal Awan, Advocate a/w the complainant.
Ms. Rahat Ehsan, Addl. P.G. Sindh.
I.O. Manzoor Hussain Arain of P.S. Awami Colony.

The applicant states that he is arrested in Crime No.406 of 2024 registered under Sections 447, 453 and 34 PPC at P.S. Awami Colony for the alleged commission of offence of trespassing into a dwelling house against which the complainant has already filed an I.D. Complaint under Section 3 of the Illegal Dispossession Act, 2005, before the learned Sessions Court, Karachi, East, and the maximum punishment provided for the commission of offence under Section 457 PPC is three months, while for the commission of offence under Section 453 PPC is two years, therefore, he prays for post-arrest bail.

On the other hand learned counsel for the complainant states that the applicant is not entitled for the bail as even after passing of the Court order in some execution proceedings out of Civil Suit No.1390 of 2019 between the parties after vacating the subject dwelling house on the very next day the applicant has again forcibly occupied the premises and, therefore, the present FIR was registered thereafter the complainant has filed a criminal complaint under Section 3 of the Illegal Dispossession Act, 2005, and as an interim measure under Section 7, the possession of the house has been handed over to the complainant and presently the complainant is in possession of the subject house.

Consequently, the learned Addl. P.G. Sindh supported the contention of the complainant and recorded her objection for the grant of bail.

Heard the parties and perused the record.

It is admitted position that presently the subject property is in possession of the complainant on the basis of an order passed in her complaint filed under Section 3 of the Illegal Dispossession Act, 2005. The veracity of the trespassing by the applicant is yet to be determined by the trial Court. In the above said crime challan has been submitted and the matter is fixed for framing of charge / evidence. The Addl. P.G. Sindh has not shown any apprehension that in case the applicant is released on bail, he will influence the prosecution witnesses or damage the prosecution evidence. The maximum punishment for the commission of alleged offence is two years and in view of the dictum laid down by the hon'ble Supreme Court, the offence falls within the purview of Section 497 Cr.P.C. (non-prohibitory clause) where the grant of bail is the right of accused and refusal is exception.

In view of the above, the applicant is granted the concession of post-arrest bail subject to furnishing his solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and P.R bond in the like amount as well as an undertaking that he will not enter into the subject property and will not disturb the possession of the complainant at any cost to the satisfaction of Nazir of this Court. This Cr. Bail Appln stands disposed of in the above terms.

J U D G E