

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACH

Cr. Bail Application No.287 of 2013

Order with Signature of Judge(s)

For hearing.

16.04.2013.

Mr. Bahram Khan A. Ujjan, Advocate for the Applicants/accused
alongwith the applicants/accused.

Mr. Saleem Akhtar, APG.

Complainant Rahimuddin present in person.

This Criminal Bail Application has been filed in respect of FIR
No.67/2013, registered under Section 147/148/149/380/337-A1/34 PPC at P.S.
Surjani Town, Karachi.

Briefly stated the facts of the case are that as per the complainant
Rahimuddin, he is residing at designated address and works in Dilpasand Pakwan
Centre. On 11.02.203 when he was present at his home, at about 2200 hours, his
brothers-in-law namely Muhammad Aamir s/o. Muhammad Usman, Saleem s/o.
Muhammad Usman (present applicants/accused), Salman s/o. Muhammad Usman
and three other persons, who could be identified on seeing, came to his house and
after entering started abusing the complainant and when he stopped them, they
become ferocious and started beating the complainant as well as other
housemates. However, Salman, who is brother of the present applicants,
constantly instructed them not to do such act but they did not listen to him. On the
hue and cry raised by the complainant people gathered at the spot and then
applicants/accused left the place, however, upon their leaving when the
complainant searched the house, he found that Rs.4,00,000/- and six tola
jewellery were missing from the almirah, which according to the complainant the
applicants/accused took with them. Thereafter, the complainant reached the police
station and lodged the present FIR.

Bail Application on behalf of the applicants/accused was preferred before
the Ist Additional Sessions Judge, Karachi West, who vide his order dated
22.03.2013 dismissed the said application and recalled the interim bail, which was
earlier granted to them in this regard. Thereafter, the applicants/accused, through
the instant Criminal Bail Application, approached this Court when on 27.03.2013
interim pre-arrest bail was granted to them and today they seek confirmation or
otherwise of the same.

Mr. Behram Khan A. Ujjan, Advocate has appeared on behalf of the applicants/accused and submits that there was a family dispute between the complainant and the applicants/accused, which subsequently has been patched up on the intervention of elderly persons. He states that even the alleged stolen items have subsequently been recovered from some other place and not from the possession of the applicants/accused. He submits that since the allegations raised in the FIR were not proved, hence, interim pre-arrest bail granted to the applicants/accused may be affirmed.

Complainant of the present case namely Rahimuddin, who is brother-in-law of the applicants/accused, is in attendance, though no notice was given to him, however submits that he has appeared in the Court without any notice on the voice of his conscious and states that there was a family dispute between him and the applicants/accused but same has been patched up and the alleged stolen items have also been recovered from somewhere else and not from the possession of the applicants/accused. He categorically stated that he would have no objection, if interim bail earlier granted to the applicants/accused may be confirmed.

Mr. Saleem Akhtar, APG on the other hand has stated that since there was family dispute between the parties, which according to the complainant has now been settled, he would have no objection if interim bail of the applicants/accused may be confirmed.

I have heard all the respective parties and am of the view that since the complainant has appeared and stated that the matter has been patched up between the parties and stolen items have been recovered from somewhere else and not from the possession of the applicants/accused, they are entitled for confirmation of their interim bail. Consequently, interim pre-arrest bail granted to the applicants/accused, vide order dated 27.03.2013, is hereby confirmed on the same terms and conditions. Needless to mention that the observations made hereinabove are only tentative.

This Criminal Bail Application stands disposed of.

Judge