

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.59 of 2025

Applicant : i. Muhammad Ishaque S/o Karam Khan  
ii. Abdul Aziz S/o Raees Ghulam Qadir  
through Mr. Muzafar Ali, Advocate

Respondent : The State  
Through Ms. Rahat Ahsan, Addl.  
Prosecutor General, Sindh  
a/w DSP Muhammad Khan Zaur &  
ASI A.M. Brohi

Date of hearing : 30.01.2025

Date of order : 30.01.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicants/accused seek pre-arrest bail in Crime No.302/2024 for the offence under Sections 324, 334, 147, 148, 149, 354, 506/2 PPC registered at PS Thatta, after their bail plea has been declined by the learned IInd Additional Sessions Judge, Thatta vide order dated 04.01.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicants, applicants are innocent and have falsely been implicated in this case due to dispute over the agriculture land; that the applicants purchased an agriculture land for amount of Rs.45 lacs; out of which they made part payment and in this regard, a civil dispute is already pending between the parties; that the applicants did not cause any injury to the complainant but in fact, while catching honey the complainant got injuries; as such the applicants have been falsely booked; that the FIR is delayed for 26 days for which no plausible explanation has been furnished; that after conducting the investigation by the I.O., the matter was transferred to DSP who disposed of the case under "C" class. Lastly, he prays for confirmation of bail to the applicants.

4. On the other hand, learned Addl. P.G. has vehemently opposed for grant of bail; however, she submits that no provision medical certificate is available on record which confirms whether the injured Asif has received injuries on the day of incident.

5. Heard the parties and perused the material available on record.

6. Admittedly, there is a dispute between the parties over agriculture land and as such, civil litigation is already pending between the parties. The instant FIR was registered with a delay of 26 days for which no plausible explanation has been furnished. Per learned counsel for the applicants, in fact the I.O. of the case has opined in his report that while catching honey, injured Asif has received hatchet injury and subsequently, applicants were booked in this case falsely by the complainant. It is yet to be seen whether Section 324 PPC is applicable in this case when the evidence will be recorded. At bail stage, only tentative assessment is to be made and deeper appreciation is not permissible.

7. In view of the above, learned counsel for the applicants has made out case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The interim pre-arrest bail granted to the applicants/accused vide order dated 09.01.2025 is hereby confirmed on same terms and conditions. The Applicants are directed to attend the trial. However, it is made clear that if the applicants/accused misuse the concession of bail, learned trial Court would be at liberty to take appropriate action.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants/accused on merits.

JUDGE

Kamran/PA