

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.175 of 2025

Applicants : i. Naveed Shahzad S/o Shair Muhammad
ii. Shair Muhammad S/o Ali Muhammad
through Mr. Riaz Hussain Abbasi,
Advocate

Respondent : The State
Through Mr. Qamaruddin, APG a/w
SIP Khalil Ali Nuro

For complainant:
Mr. Abdul Wahid Bughio, Advocate

Date of hearing : 13.02.2025

Date of order : 13.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicants/accused seek pre-arrest bail in Crime No.05/2025 for the offence under Sections 420/406/34 PPC registered at PS Steel Town, Malir, after their bail plea has been declined by the learned Additional District & Sessions Judge-III, Malir Karachi vide order dated 14.01.2025.

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 applicant, the applicants are innocent and have falsely been implicated in this case; that the story narrated in the application filed under Section 22-A is quite different from the present case, as such, they are entitled for grant of bail; that the applicants have no concerned with the alleged vehicle. Lastly, he prays for confirmation of bail to the applicants.

4. On the other hand, Mr. Abdul Wahid Bughio, Advocate files Vakalatnama on behalf of the Complainant and opposes for bail. Learned Addl. P.G. also opposes for grant of bail.

5. Heard arguments and perused the record.

6. The case of the prosecution is that the complainant is running a rent-a-car business with title Bimillah Transport Janjua Rent-a-Car. On 07.02.2024, he has given two Cars BMW-411 Maker Carolla Model 2018 Engine No.Z-524824 Chasis No.NZE170R-4151003 and Car BHX-971 Model 2017 Toyota Carolla Engine No.Z484210 Chasis No.NZE170R-4110078. Initially they started to pay rental amount but subsequently, they stopped to pay the same as such, the complainant asked for the rent amount and subsequently, demanded back the vehicles then they shut down the tracker. When it was confronted whether there is enmity between the complainant and the applicants, learned counsel for the applicants did not reply satisfactory. At bail stage, only tentative assessment is to be made. No malafide or ill-will or enmity has been pleaded by the applicants/accused, which could be the ground for false implication in this case.

7. Further, the concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person's assertion regarding his intended arrest being actuated by *mala fide* on the part of the complainant party or the local police but not a word about this crucial aspect of the matter is found as no *mala fide* is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of '**Rana Abdul Khaliq v. The STATE and others**' [2019 SCMR 1129]. In addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of *mala fide*, it is not a substitute for post-arrest bail in every run of the mill criminal case as it seriously hampers the course of the investigation.

8. In view of the above, the instant bail application is **dismissed**. Resultantly, the interim pre-arrest bail granted to the applicants/accused vide order dated 21.01.2025 is hereby recalled.

9. 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 applicant/accused on merits.

JUDGE

Kamran/PA