

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.554 of 2025

Applicants : 1. Abdul Hameed S/o Shafi Muhammad
2. Shahzaib S/o Shafi Muhammad
through Sardar Abdul Hameed, Advocate

Complainant : Muhammad Aslam S/o Muhammad Salim
through Mr. Imran Hussain Qadri,
Advocate

Respondent : The State
through Ms. Rahat Ahsan, Addl. P.G.

Date of hearing : 20.03.2025

Date of order : 20.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicants/accused seek post-arrest bail in Crime No.272/2024 for the offence under Sections 324/377-A(i)/34 PPC R/w 337-F(i) & 337-F(ii) PPC registered at PS Pak Colony, after their bail plea has been declined by the learned Additional District & Sessions Judge-II, Karachi West vide order dated 21.02.2025.

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, initially applicants moved interim pre-arrest bail before the trial Court which was dismissed thereafter the applicants filed CrI. Bail Application No.3004/2024 before this Court for pre-arrest bail, which was granted to them but vide order dated 17.02.2025, the interim pre-arrest bail was recalled and the said bail application was dismissed. He further submits that thereafter the applicants moved post-arrest bail before the trial Court which too was dismissed vide order dated 21.02.2025, hence, by impugning the said order, the applicants have filed the instant bail application. He submits that the applicants are in jail for about one month and they are no more required for further investigation; that the offence

does not fall within the prohibitory clause of Section 497 Cr.P.C. Lastly, he prays for grant of bail.

4. On the other hand, learned counsel for the complainant as well as learned Addl. P.G. vehemently opposed for grant of bail.

5. Heard and perused.

6. Admittedly, the applicants are in jail for about one month and the offence in which they have been booked does not fall within the prohibitory clause of Section 497 Cr.P.C. and maximum punishment provided by law for offence U/s 324 is 10 years, whereas, maximum punishment provided by law for offences Section 337-F(i) & (ii) is three years. The applicant is in jail and they are no more required. Their further detention will not improve the case of the prosecution. Reliance is place in an unreported case of the Hon'ble Supreme Court of Pakistan in the case of **Jahzeb Khan vs. The State through A.G. KPK and others** in Criminal Petition No.594/2020; wherein the Hon'ble Supreme Court has held that:

"4..... Petitioner's continuous detention is not likely to improve upon investigative process, already concluded, thus, he cannot be held behind the bars as a strategy for punishment. A case for petitioner's release on bail stands made out."

7. In view of the above, learned counsel for the applicants has made out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The applicants/accused named above are granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- each and P.R. bonds in the like amount to the satisfaction of learned trial Court.

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