

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.1273 of 2024

Applicant : Wazeer S/o Islam Uddin  
through Ms. Sania Zubair, Advocate

Respondent : The State  
through Mr. Muhammad Noonari, DPG

Date of hearing : 06.02.2025

Date of order : 06.02.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.471/2023 for the offence under Sections 322 PPC registered at PS Shah Faisal Colony, after his bail plea has been declined by the learned IV-Additional Sessions Judge, Karachi East vide order dated 24.10.2023.

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, applicant is innocent and has falsely been implicated in this case. She has filed a statement stating therein that the applicant has sold out the said property to one Syed Ahsan Ali, as such, he has no concerned with the alleged offence; that one survival namely Asif was called by the learned trial Court where he stated that the applicant is not owner of the said property; that the applicant is attending the Court and has not misused concession of bail and is no more required for further investigation. Lastly, he prays for confirmation of bail to the applicant.

4. On the other hand, learned DPG has vehemently opposed for grant of bail.

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

6. From perusal of record, it reflects that the applicant has been booked under Section 322 PPC and the punishment for this offence provided by law is only Diyat. Further, learned counsel for the applicant has filed a statement alongwith sale agreement which confirms that one Syed Ahsan Ali was the owner of the said property; as such, it is yet to be decided whether the applicant was the owner of the said property at the time of incident when evidence will be recorded. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant 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 applicant/accused vide order dated 07.06.2024 is hereby confirmed on same terms and conditions. The Applicant is directed to attend the trial. However, it is made clear that if the applicant/accused misuses 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 applicant/accused on merits.

JUDGE

Kamran/PA