

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2049 of 2024

Applicant : Mohammad Ramzan S/o Mohammad Sharif
through Mr. Faisal Ahmed A. Memon,
Advocate

Respondent : The State
through Ms. Rubina Qadir, Addl. P.G.
a/w SIP/I.O. Ashfaq Ahmed

Date of hearing : 11.03.2025

Date of order : 11.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.83/2024 for the offence under Sections 337-F(vi), 504, 34 PPC registered at PS Jackson, after his bail plea has been declined by the learned XII-Additional Sessions Judge, West Karachi vide order dated 01.02.2025.

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 applicant, applicant is innocent and has falsely been implicated in this case; that the FIR is delayed about 16 days for which no plausible explanation has been furnished; that complainant admitted in the FIR that there is old enmity exist between the parties and after managing a false medical certificate, instant FIR was registered; that challan has been submitted and the applicant is no more required for further investigation. Lastly, he prays for confirmation of bail.

4. On the other hand, learned Addl. P.G. has vehemently opposed for grant of bail.

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

6. Admittedly, the FIR is delayed about 16 days for which no plausible explanation has been furnished by the complainant. However, from the face of FIR, it appears that present applicant caused lathi blows at the backside of left hand of the complainant but he has not repeated the same. The final medical certificate also received with a delay of 10 days for which no explanation has been furnished both by the complainant or Doctor. Learned counsel for the applicant also pleaded malafide on the part of the complainant that due to old enmity, the instant case was registered against the applicant. He also contended that all the offences in which the applicant has been charged are bailable except Section 337-F(vi) PPC, which is punishable upto 7 years. The case has been challaned and the applicant is no more required for further investigation. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant 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 interim pre-arrest bail granted to the applicant/accused vide order dated 03.03.2024 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