

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application Nos.386, 387 & 388 of 2025

Applicant : Syed Arifuddin son of Syed Alauddin
through Aamir Mansoob Qureshi,
Advocates

Respondent : 1). Sarosh Halwani, complainant in
FIR No.319/2024, 2). Shakeel Ahmed
complainant in FIR No.363/2024 &
Farhan Ali Mari complainant in FIR
No.413/2024, through Mr. Ali
Muhammad Kakepoto, Advocate

The State
Through Mr. Neel Parkash Deputy
Prosecutor General, Sindh and SIP/I.O
Rao Arif of PS New Town and ASI
Kashif of PS New Town. SIP Gulshan
Mustafa of PS Gulberg.

Date of hearing : 10.03.2025

Date of order : 10.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through a single order, I intend to dispose of three bail applications cited above filed by the applicant/accused arising FIR No. 319/2024 under Section 457, 380, 34 PPC, FIR No.363/2024 under Section 547, 380, 34 PPC and 413/2024 under Section 457, 380, 34 PPC at PS New Town, Karachi, after his bail plea has been declined by Xth Additional Sessions Judge, Karachi East vide order dated 08.01.2025.

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

3. Per learned counsel for the applicant, in fact the FIRs were registered against unknown persons and subsequently, the applicant/accused was booked and was arrested by the

police. Such memo of arrest was prepared on 06.12.2024. During course of investigation, the applicant/accused shown his willingness to produce theft articles and on his pointation the theft articles were recovered from his house however the place of recovery was the house of the applicant; no single private witness has been shown to believe the version of the police. He also pleaded that much prior to the arrest of the applicant/accused, he and his wife moved application to high ups and also SHO Gulberg Police Station and same was received by him on 03.12.2024. The applicant also requested in the said application that the SHO of PS New Town was causing harassment to the applicant. He further submits that the applicant/accused is in jail and he is no more required for further investigation. He lastly prayed for grant of post-arrest bail.

4. On the other hand, learned Deputy Prosecutor General, Sindh as well as learned counsel for the complainant vehemently opposed for grant of bail. Learned counsel for the complainant produced certain photographs that much prior to the incident, the applicant/accuse was arrested when fourth time he tried to commit the offence police has arrested him. He also submits that sufficient material is available on record to connect the applicant/accused with the commission of alleged offence. The SHO of Police Station Gulberg that he has not received any complaint from the applicant and stamp fixed on it is false and forged.

5. Heard and perused the record.

6. Admittedly, the FIR was registered against the unknown persons and much prior to the arrest, the applicant has moved application to the SHO of PS Gulberg that Muhammad Yasin has given a cheque of Rs.3,200,000/- and when he demanded the money, on that through SHO threatened him not to demand money and on his refusal, he has been booked in these cases. The offence in which the applicant charged does not fall within the prohibitory class of Section 497, the grant of bail is a rule and refusal is an exception, the maximum punishment provided for offence under Section 380

is three years whereas section 457 is up to five years. In such circumstances, grant of bail is a rule and refusal is an exception. No exception has been pleaded by the learned counsel for the complainant to refuse the bail to the applicant/accused. The applicant/accused is in jail and he is no more required for further investigation. Further his 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 applicant/ has made out a case for grant of bail in terms of subsection 2 of Section 497 Cr.P.C. Resultantly, the instant Criminal Bail Applications are **allowed**, the applicant is granted bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) **in each FIR** with P.R. bond to the satisfaction of the 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 on merits.

JUDGE

Hyder/PA