

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

Crl. Bail Appl. No.2204 of 2024
(Abdul Rasheed and Salman v. the State)

Date	Order with signature of Judges
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For hearing of Bail Application.

05.11.2024

M/s. Hussain Bux Saryo, Advocate along with applicants
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General
Complainant Ahsanullah in person

Mohammad Karim Khan Agha, J:- Applicants Abdul Rasheed and Salman were booked in FIR No.865/2024 under Section 147, 149, 337 A(i) 379 PPC PPC registered at PS Shahrah-e-Faisal, Karachi. They applied for pre arrest bail before the Court of IVth-Additional Sessions Judge (East) Karachi, however, the same declined vide order dated 26.09.2024. Hence the applicants approached this Court for pre arrest bail.

2. Brief facts of the case are that the complainant is employed as Constable in Traffic Police and was discharging his duties. On 09.09.2024, he along with his friend namely Lal Din went to hotel for taking dinner and while taking dinner one Rasheed abused him without reason, whereupon he was beaten up by 08 persons with lathis/sticks. During course of this beating, his cell phone, CNIC card, ATM card and cash amount of Rs.20,000/- dropped there and he also suffered injuries. Hence, the aforesaid FIR was lodged against the present applicants.

3. I have heard learned counsel for the applicant and perused the material available on record. I have also heard learned Addl. Prosecutor General Sindh and the complainant in person. Learned Addl. Prosecutor General Sindh has opposed to grant of the instant bail.

4. The maximum sentence available for the offence under which the applicants have been charged is less than 10 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. The investigation is still on-going and the applicants are directed to join the investigation.

Complainant Ahsanullah who is present in Court has no objection to the grant of the pre-arrest bail to the applicants as he intends to compromise this matter.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 30.09.2024 to applicants **Abdul Rasheed and Salman** on the same terms and conditions.

6. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicants which shall be decided by the concerned trial Court expeditiously. No adjournment on any flimsy ground shall be allowed. In the event if the applicants misuse the concession of bail, the complainant shall be free to approach relevant forum for cancellation of their bail. Copy of this order shall be sent to the concerned Judicial Magistrate Karachi, for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE