

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.1452 of 2024.

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

24.10.2024.

Mr. Zahoor-ul-Islam,m Advocate along with Applicants
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General a/w
SIP Muhammad Moosa, PS KIA, Karachi.

Mohammad Karim Khan Agha, J:- Applicants Muhammad Javed and Haroon Javed were booked in the FIR No.668/2024 under Section147/148/149/452/337(ii)/337F(i) PPC registered at PS KIA, Karachi. They applied for pre arrest bail before the Court of Additional Sessions Judge-IV (East) Karachi which was declined vide order dated 26.06.2024. Hence the applicants approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant installed Air Conditioner in his house outer part of which is hanging at southern side of the house. On 24.05.2024 at about 06:00 pm the applicants along with other co-accused asked the complainant to remove the outer part of Air Conditioner otherwise they will break the same which led to fight with the complainant party and the applicants with other co-accused. During the fight it is alleged that the applicants beat the complainant with lathi, danda as well as they also beaten brothers of complainant namely Hamza and Sameer. One of the applicants Javed hit the complainant with iron pipe on his head and also injured his brothers. Hence the aforesaid FIR was lodged against the present applicants.

3. I have heard learned counsel for the applicants and learned Addl. Prosecutor General Sindh, who has opposed the grant of bail.

4. The maximum sentence available for the offence under which the applicants have been charged is 07 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. It appears that there is counter version in this case between the two parties and the applicants wanted to register an FIR against the complainant. The injury caused to the complainant is relatively minor in nature. Charge has already been framed as such the applicants are no longer required for investigation.

5. Based on the above discussion especially since there is counter case between the parties I find this to be a case of further inquiry and hereby confirm the pre-arrest bail granted earlier on 01.07.2024 to the applicants **Muhammad Javed and Haroon Javed** 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. 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 XVIIIth Judicial Magistrate (East) Karachi for compliance.

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

JUDGE

MAK/PS