

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2300 of 2023

Date	Order with signature of Judges
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For hearing of Bail Application

10.01.2024.

Mr. Nawabzada Tahir Muhammad, Advocate alongwith
Applicant

Mr. Zubair Ali Butt, Advocate for Complainant.

Mr. Muhammad Iqbal Awan, Special Prosecutor ANF.

Mohammad Karim Khan Agha, J. Applicants Nadeem, Sameer Ali and Aftab Ahmed Samito are facing trial in the Court of Vth Additional Session Judge Malir, Karachi in respect of FIR No.1191 of 2023 of PS Shah Latif Town, Karachi. Applicants applied for pre-arrest bail which was declined by the learned Vth Additional Session Judge Malir, Karachi vie order dated 07.10.2023. Applicants have now approached this Court for pre-arrest bail.

2. Brief facts of the case as per FIR are that the complainant was available in her house when the applicants entered and demanded to know where her husband was, however, he was not at home and as such applicants, as alleged by the complainant, abused, beat and maltreated her hence she has lodged the FIR against the applicants.

3. I have heard the learned counsel for the applicant and learned Addl. Prosecutor General Sindh and perused the record.

4. All the offences under which the applicants have been charged are bailable. It is the general rule in such like cases that bail should be granted unless exceptional circumstances are made out. In this case learned Additional Prosecutor General, Sindh has not been pointed out any exceptional circumstances. Learned counsel for the complainant has stated that exceptional circumstances involved injuries to a lady. However, it has been found that MLC is void and there is such no medical certificate to support the contentions of the complainant made in the FIR.

5. Under these circumstances this is a case of further inquiry and as such pre-arrest bail granted to the applicants vide order dated 11.10.2023 is confirmed on the same terms and conditions. This order is based only on a tentative assessment of the evidence which will have no bearing on the outcome of the trial. The trial Court shall proceed and decide the case within three (03) months of the date of this order.

JUDGE