

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2061 of 2025

Shams Ul Haq @ Raheel son of Abdullah.....Applicant/Accused

Versus

The State.....Respondent

Date of Hearing : 05.11.2025

For the Applicant : Mr. Akhtar Ali Jamari, Advocate.

For complainant : Complainant present in person.

For the State : Mr. Muhammad Noonari, D.P.G.

ORDER

TASNEEM SULTANA, J: Through this application, the applicant seeks pre-arrest bail in Crime No.230 of 2025 registered at Police Station Thatta under sections 337-L(2), 336, 504 and 114, P.P.C.

2. The brief facts of the prosecution case are that on 08.04.2025 at about 6:30 p.m., complainant Jahanzeb Hashmani, after offering Maghrib prayer, was returning home on his motorcycle and, when he reached the street near the shrine of Shah Ibrahim, he was allegedly intercepted by the applicant, who is his close relative. The applicant is stated to have restrained the complainant from using the street and, upon his refusal, struck an iron rod on his face, as a result of which one tooth was broken. It is further alleged that thereafter the applicant called his sons, namely Sonu and Hyder Ali, who assaulted the complainant on different parts of his body. The complainant was taken to hospital for treatment and, after some delay, lodged the present F.I.R.

3. Learned counsel for the applicant contended that the parties are related and already engaged in civil litigation over ancestral property; that the F.I.R. was lodged after an unexplained delay of nearly three months; that the injuries alleged do not bring the case within the prohibitory clause; and that co-accused Sonu and Hyder Ali have already been granted bail. It is further submitted that the applicant has joined investigation, is a permanent resident, and undertakes to attend the trial regularly.

4. Learned DPG opposed the plea; however, learned counsel for the complainant, on instructions, stated that the complainant has no objection if the applicant is admitted to bail, as the occurrence appears to have arisen out of a dispute over using the street, and the parties being related wish to maintain peace.

5. Heard. Record perused.

6. From a tentative assessment of the material available on record, it appears that the allegations against the applicant stem from a domestic altercation over using the street between closely related parties. The F.I.R. was lodged with considerable delay, for which no satisfactory explanation has been furnished. The injuries, though supported by medical evidence, do not at this stage conclusively attract the prohibitory clause. The co-accused have already been admitted to bail, and the complainant's no-objection to the confirmation of bail further diminishes the element of animosity or mala fide intent. No material has been produced suggesting that the applicant's arrest or custodial interrogation is necessary for the purpose of investigation.

7. In these circumstances, the case of the applicant calls for further inquiry within the contemplation of section 497(2), Cr.P.C. Accordingly, the applicant Shams-ul-Haq alias Raheel son of Abdullah is admitted to pre-arrest bail in Crime No.230 of 2025 of Police Station Thatta, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the trial Court. The interim pre-arrest bail already granted stands confirmed on the same terms.

8. The observations made hereinabove are tentative and shall not prejudice either party at the trial.

JUDGE

Ayaz Gul