

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.860 of 2026

Applicant : Saifullah son of Nahid Khan
Through Mr. Irshad Ahmed Chachar
Advocate

Respondent : The State
Through Mr. Muhammad Noonari, DPG

Date of hearing : 08.04.2026
Date of order : 08.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- The applicant/accused Saifullah son of Nahid Khan, through the instant criminal bail application, seeks pre-arrest bail in Crime No.205 of 2024, registered at Police Station Sohrab Goth Karachi, for he offences under section 430/34 PPC. His earlier application for the same relief, bearing No.132 of 2026, was dismissed, vide order dated 24.01.2026, by the learned Additional Sessions Judge-VI, Malir, Karachi. He was admitted to interim pre-arrest bail by this court, vide order dated 17.03.2026, and the matter is now fixed for confirmation of the same or otherwise.

2. The facts of the case are need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are also stated in detail therein.

3. Heard and record perused.

4. Admittedly, the offence with which the accused is charged does not fall within the prohibitory clause of Section 497, Cr.P.C. It is by now a well-settled principle of law, consistently reiterated by the superior Courts as well as by various Benches of this Court, that in offences falling outside the ambit of the prohibitory clause, grant of bail is a rule while its refusal is

an exception. The wisdom behind this settled principle is to ensure that liberty of an individual is not curtailed unnecessarily, particularly in cases where the alleged offence does not entail severe punishment. Learned counsel for the applicant states that the investigation in the present case has already been concluded and challan has been submitted before the learned trial Court. The applicant is now regularly appearing before the trial Court and is facing trial and is no allegation of misuse of such concession, nor has the applicant attempted to abscond or tamper with the prosecution evidence in any manner. Learned DPG has sought time to prepare the case; however, no substantial ground has been advanced which could justify the denial of bail to the applicant at this stage. The record reflects that the case is of a simple nature and the maximum punishment provided for the alleged offence is up to five years, which squarely brings the matter outside the prohibitory clause of Section 497, Cr.P.C. In these circumstances, the applicant has succeeded in making out a case for confirmation of pre-arrest bail. Accordingly, the interim pre-arrest bail already granted to the applicant is hereby confirmed on the same terms and conditions.

5. Needless to mention here that the observation made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial court shall be at liberty to cancel the same after giving him notice, in accordance with the law.

Criminal bail application stands disposed of.

JUDGE

