

**IN THE HIGH COURT OF SINDH AT  
KARACHI**

Cr. Bail Appln.No.1387/2017

Applicant/accused : Abdul Rehman, through Ms. Tayyaba Sadia, Advocate.

Respondent : The State through Ms. Rahat Ahsan APG, along with the Complainant

Date of hearing  
And Order : 02.01.2018

**YOUSUF ALI SAYEED, J.** This Application for Pre-Arrest Bail has been filed in relation to FIR No.285/2017 registered on 20.08.2017 under Sections 354/392/506-B/34 PPC at P.S. Awami Colony, Karachi (the "**FIR**"). The Applicant was admitted to interim pre-arrest bail vide Order dated 08.09.2017.

2. The backdrop to the matter, as per what is stated in the FIR, appears to be on 01.06.2016, the Applicant and another co-accused, namely Rehman Ali, both of whom are the brothers-in-law of the Complainant, allegedly attacked and beat the Complainant's husband, who is said to have succumbed to his injuries and passed away. Thereafter, the Applicant and co-accused allegedly started harassing the Complainant in order to dispossess her from her house, which stands in the name of her deceased husband. It is said that on 18.08.2017, at about 1630 hours, the Complainant was present at her house, when the Applicant and Rehman Ali forcibly entered. Rehman Ali is said to have brandished a pistol, and it is said that they extended threats and that the Applicant snatched away Rs.5000/- as well as a mobile phone and the death certificate of her husband.

3. Learning counsel for the applicant submitted that the Applicant was innocent and had been falsely implicated in the FIR for ulterior motives in as much as the Complainant and the Applicant and Co-Accused were all relate to one another and there was a pending dispute as to immovable property. She submitted that there was an unexplained delay of two days between the time of the alleged incident and the filing of the FIR, for which no plausible explanation had been forthcoming.
  
4. Per learned counsel, the Sections mentioned in the FIR do not fall under the prohibitory clause of Section 497 Cr.P.C. The applicant was granted interim pe-arrest bail, which was subsequently recalled by the learned Additional Sessions Judge-VIII, Karachi (East). It was also pointed out that co-accused, Rehman Ali, had also already been granted post arrest bail on 26.08.2017 by the Xth Civil Judge & Judicial Magistrate, Karachi (East) in Bail Application No. 77/2017, as the matter had been found to require further enquiry.
  
5. On query posed, the learned APG submitted that investigation had been concluded, and that the charge had been framed and trial was underway. Furthermore, it was conceded that the Applicant had been appearing regularly before the trial Court and it was not suggested that he had abused the concession of interim pre-arrest bail in any way.

6. Even otherwise, the matter appears to require further enquiry as it apparently pertains to a family dispute under circumstances where, in the context of an allegation of forcible entry, it merits consideration that the Complainant and Applicant reside on different levels of the same house, and no incriminating recovery is said to have been made from the Applicant. Furthermore, no steps are said to have been taken to date for assailing or seeking cancellation of post arrest bail granted under similar circumstances to the co-accused in respect of the same FIR.
  
7. As such, in light of the foregoing circumstances and in view of the rule of consistency as well as the principle laid down by the Honourable Supreme Court in the case reported as Muhammad Ramzan v. Zafarullah & another 1986 SCMR 1380, interim pre-arrest bail granted to the applicant is hereby confirmed on the terms earlier imposed. Needless to say, any observations made herein are tentative and are not to have any bearing on the outcome of the matter at trial.

JUDGE