

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Application No. 1832 of 2021**

Applicants : 1. Bilqees Bano w/o Ali Muhammad Siddiqui,  
2. Ali Muhammad Siddiqui and 3. Zahir  
Muhammad Siddiqui, both sons of Ghulam  
Muhammad, through M/s. Mumtaz Ahmed  
Soomro, Faqeer Qurban Ali & Ms. Fouzia Naz,  
advocates

Respondent : The State, through Ms. Rubina Qadir, D.P.G.  
along with S.I.P. Nadeem Durrani.

Complainant : Amna Sabir, through Mr. Muhammad Asif,  
advocate

Date of hearing : 17.03.2022  
Date of order : 17.03.2022

**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant Cr. Bail Application applicants/accused (1) Bilqees Bano w/o Ali Muhammad Siddiqui (2) Ali Muhammad Siddiqui s/o. Ghulam Muhammad and (3) Zahir Muhammad Siddiqui s/o. Ghulam Muhammad seek pre-arrest bail in Crime No. 306 of 2020, registered under Section 337-A(i), 337-L(ii), 337-A(iii), P.P.C. at P.S. Jamshed Quarter, Karachi. Their earlier application for the same relief bearing No. 1592 of 2020 was dismissed by the learned Additional Sessions Judge-VIII, Karachi-East vide order, dated 18.03. 2021. The applicants were admitted to interim pre-arrest bail by this Court vide order, dated 30.09.2021, now the matter is fixed for confirmation of interim bail or otherwise.

2. It is alleged that on 02.04.2020 at 5/6 p.m., applicants caused kicks blows to the complainant and her sister Mst. Hina Sabir, who received injuries on their persons, for which the applicants were booked in the instant F.I.R.

3. Heard learned counsel for the parties and perused the material available on record.

4. It appears from the perusal of the record that the alleged incident took place on 02.04.2020 and the F.I.R. was lodged by the complainant with delay of 12 days on

15.04.2020, for that no plausible explanation is available on record; hence, deliberation and consultation before lodging of the F.I.R. for implicating the applicants malafidely and for ulterior motive cannot not be ruled out. The alleged offence under section 337-A(i) and 337-L(iii), P.P.C. are bailable being punishable with imprisonment for two years. The complainant has not alleged in the F.I.R. about causing any injury to her sister Hina Sabir; however, the said lady has stated in her statement recorded under section 161, Cr.P.C. that the applicants also beat her. As per MLC injured Mst. Hina Sabir sustained an injury, which has been declared as *Shajjah-i-Hashimah*; however, the said MLC was challenged by the applicants, whereafter a Special Medical Board was constituted, which kept the said MLC in abeyance as per letter, dated 22.01.2022, issued by the Medical Superintendent, Services Hospital and Civil Surgeon, Karachi as the said lady failed to appear before the Board; therefore, it is yet to be determined as to whether or not the said lady suffered any injury punishable under section 337-A(iii), P.P.C., hence the guilt of the applicants requires further inquiry.

5. For the foregoing facts and reasons, the interim bail granted to the applicants vide order, dated 30.09.2021, is confirmed on the same terms and conditions.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicants on merits. However, in case the applicant(s) misuse 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 law

JUDGE

*Athar Zai*