

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

**Crl. Bail Application No. 1008 of 2018**

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DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

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For hearing of bail application.

**13.11.2018**

Mr. Riaz Ahmed Bhatti, Advocate a/w 3 applicants.  
Ms. Sami Ahsan, Advocate a/w complainant.  
Ms. Seema Zaidi, DPG for State.

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The applicants Rana Mohammad Rayyan Ali, Rana Mohammad Ayan Ali and Asghar Ali have sought pre-arrest bail in crime number 134 of 2018 registered under section 506/B, 337-A(i) and 504 P.P.C. at the Airport police station. Earlier, their pre-arrest bail application was dismissed by the learned 5<sup>th</sup> Additional Sessions Judge, Malir, Karachi vide his order dated 18-7-2018.

2. Brief facts of the case are that the aforementioned F.I.R. was lodged by one Aqeel Ahmed on 4-7-2018 stating that on 22-6-2018 he was returning home with his son from prayers when they were intercepted by the applicants who beat him and his son.

3. I have heard the learned counsel for the applicants as well as the learned counsel for the complainant and the learned D.P.G. and have also examined the record available. My observations are as follows.

(i) There is a delay of 12 days in lodging of the F.I.R. The prosecution has attempted to explain this by arguing that the complainant had got hurt and was hospitalized till 30-6-2018. Be that as it may, prima facie it hints towards consultations before the lodging of the F.I.R. A conclusive decision in this regard can only be taken by the learned trial court after the parties are given an opportunity to lead evidence.

(ii) It appears that this is not an isolated incident but that the two parties live in the same locality and have been at loggerheads for some time. It has been argued that there is a property dispute between them which has led to the initiation of criminal proceedings. In these circumstances, exaggeration and throwing the net wide due to malafide on the part of the complainant party cannot conclusively be ruled out at this stage.

- (iii) An offence under sections 337-A(i) and 504 P.P.C. are both bailable offences whereas the one under section 506-B falls within the non-prohibitory clause of section 497 Cr.P.C. No purpose will be served by keeping the applicants behind bars.
- (iv) The learned counsel for the complainant requests that if bail is granted the applicants be directed that they should not harass or threaten the complainant party.

4. Above are the reasons for the short order dated 25-10-2018 which was as follows:

“For the reasons to be recorded later on, interim pre-arrest bail granted earlier to the applicants is confirmed on the same terms and conditions. However, the applicants are directed that if the complainant is threatened or harassed in any manner whatsoever this concession of bail may be withdrawn.”

**JUDGE**