

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

**Crl. Bail Application No. 1240 of 2018**

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

For hearing of bail application.

**17.12.2018**

Applicants are present in person.  
Mr. Siraj Ali, A.A.G.  
Complainant present in person.

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Abdul Karim, Abdul Qadir, Allah Bux, Pervaiz, Abdul Hameed and Mohammad Hussain have sought pre-arrest bail in crime number 146 of 2018 registered under sections 395 and 354 P.P.C at the Gadap City police station. Earlier, their pre-arrest bail application was turned down by the learned 1<sup>st</sup> Additional Sessions Judge, Malir at Karachi on 29-8-2018.

2. The case against the applicants is that on 4-8-2018 they forcibly entered into the house of a woman named Noor Jehan (the complainant of the case) and after threatening the inmates that they will kill them as they had filed several complaints against them proceeded to take away Rs. 16,000 and some property documents from the house.

3. I have heard the learned counsel for the applicants as well as the learned D.P.G. and have also perused the record. The complainant had appeared and said that she does not intend to engage a counsel. My observations are as follows.

4. The story as narrated in the F.I.R. is vague and sketchy. The only person named in the F.I.R. is applicant Allah Bux while the rest of his companions remained unnamed. It is not explained by the learned D.P.G as to how did the other applicants get nominated in the crime.

5. The accused party in this case had lodged an F.I.R. No. 114 of 2017 under sections 354, 452, 504, 506 and 337-A(i) P.P.C against the complainant party and this F.I.R. seems to be a counter blast to that case. The complainant of this case had also filed F.I.R No. 147 of 2017 against the accused party in a different jurisdiction for kidnapping, which F.I.R. was dismissed under 'C' Class. Malafide on the part of the complainant cannot be conclusively ruled out at this stage. The offence under section

354 P.P.C is bailable whereas in my view the one under section 395 P.P.C is one of further enquiry at this stage.

6. No record of the property, documents of which were said to have been stolen by the accused, has been put on record.

7. Above are the reasons for the short order dated 10-12-2018 in terms of which the interim pre-arrest bail granted to the applicants on 11-9-2018 was confirmed on the same terms and conditions.

JUDGE