

## IN THE HIGH COURT OF SINDH AT KARACHI

*Present:*

**Mr. Justice Amjad Ali Sahito**

Criminal Bail Application No.1548 of 2022  
Criminal Bail Application No.1484 of 2022

Applicant in CrI. : Ahitisham Ali S/o Mehboob Ali  
B.A.No.1548/2022 through Mr. Abdul Hameed Khan,  
Advocate

Applicant in CrI. : Jamshaid Ali S/o Ali Muhammad  
B.A.No.1484/2022

Complainant : Mehboob Ali S/o Zaheer Ali  
through Mr. Ahteshamullah Khan,  
Advocate a/w Mr. Liaquat Ali Khan,  
Advocate

Respondent : The State  
through Mr. Siraj Ali Khan, Addl.  
Prosecutor General, Sindh

Date of hearing : 04.01.2023

Date of order : 04.01.2023

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through these Bail Applications, applicants/accused seek pre-arrest bail in Crime No.307/2022 registered under Sections 324/380/427/337-A(i)/337-F(i)/34 PPC at PS Landhi, after their bail pleas have been declined by the learned IV-Additional Sessions Judge, Karachi East vide order dated 22.07.2022.

2. The details and particulars of the FIR are already available in bail application and the FIR, as such, need not to reproduce the same hereunder.

3. Per learned counsel, applicants/accused are innocent and have falsely been implicated in this case by the complainant with malafide intention and ulterior motives; that in fact the applicant/accused Jamshed Ali purchased a house from the complainant party in the sum of Rs.21,000,000/- and such sale agreement executed between the parties. He further submits that thereafter the complainant party has lodged a false FIR against him. He further added that out of Rs.21,000,000/-, 90 lacs was

paid to the complainant party. He lastly prays for confirmation of bail to the applicants/accused.

4. On the other hand, learned Addl. P.G. and learned counsel for the complainant vehemently oppose for confirmation of bail to the applicants/accused. Learned counsel for the complainant submits that elder son of the complainant purchased a house to provide safe residence to his father and mother; that accused Jamshed and Ahetisham forcibly entered in the house of complainant and tried to get the said house vacated from them, as such, they moved an application to Deputy Commissioner concerned thereafter the Deputy Commissioner had given back its possession to the complainant party. The complainant party has also filed an application under Section 22-A Cr.P.C. for registration of the FIR

5. I have heard the learned counsel for the parties and have perused the material available on record.

6. From perusal of record, it reflects that on the day of incident, complainant party was present in his house when accused persons entered into their house and attacked them; resultantly, Arish and Maqsood received serious injury on different parts of the body and later they were shifted for medical treatment. As per medical certificate, the injured has received injury 337-F(iv) PPC. The ocular version finds support from the medical evidence. The prosecution witnesses also supported the version of the complainant in their 161 Cr.P.C. statement. Further, applicants/accused also prepared a false agreement of the house in order to cheat with the complainant party. Prima facie, sufficient material is available on record to connect the applicants/accused with the commission of offence. At bail stage, only a tentative assessment is to be made and deeper appreciation is not permissible. No malafide or ill-will has been shown by the applicants/accused on the part of complainant which is requirement for grant of pre-arrest bail. In this context, reliance is also placed to the case of **'Rana Abdul Khaliq v. The State and others' [2019 SCMR 1129]**.

7. In view of above and taking guideline from the cited case, learned counsel for the applicants/accused has failed to make out a case for further inquiry as envisaged under subsection (2) of

Section 497, Cr.P.C. Consequently, orders for interim pre-arrest bail granted by this Court to the applicants/accused vide order dated 05.08.2022 and 01.08.2022 are hereby recalled and both the bail applications are **dismissed**.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Kamran/PA