

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Application No. 2273 of 2022**

Applicant : Haroon Abbasi s/o. Tariq Fareed Abbasi,  
through Mr. Khawaja Naveed Ahmed, advocate

Respondent : The State, through Ms. Rahat Ehsan, Additional  
Prosecutor General.

Complainant : Mrs. Hania Fattah Saif w/o. Abdul Fattah Saif  
through Mr. Umer Ilyas Khan, advocate.

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Date of hearing : 12.06.2023  
Date of order : 12.06.2023  
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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Having been rejected his earlier Bail Before Arrest Application bearing No. 3612 of 2022, arising out of Crime/F.I.R. No. 791 of 2022, registered at P.S. Defence, Karachi under Sections 448/506, P.P.C., by the Court of XI<sup>th</sup> Addl. Sessions Judge, Karachi-South vide order dated 19.11.2022, applicant/accused Haroon Abbasi s/o. Tariq Fareed Abbasi, through instant application, seeks the same relief from this Court. He was admitted to interim pre-arrest bail by this Court vide order, dated 22.11.2022, now the matter is fixed for confirmation or otherwise.

2. As per F.I.R. lodged on 12.11.2022 at 00300 hours, complainant Mrs. Hania Fattah Saif w/o. Abdul Fattah Saif having been purchased Flat No. 3, 3<sup>rd</sup> Floor, constructed over Plot No. 17-E-4, situated on Commercial Street No.2, Phase-II, D.H.A. Extension, Karachi from Tarique Fareed Abbasi (*the father of the applicant*), received possession of the said flat and she put her locks on the flat; thereafter, on 11.11.2022, at about 04:00 p.m. when she visited the aforementioned flat for shifting, she saw that the applicant had illegally put his locks on the flat and he issued threats to complainant to cause death. After investigation, police has submitted the challan against the applicant before the Court of Judicial Magistrate having jurisdiction.

3. Heard, record perused.

4. Offences for the purpose of bail have been classified into two categories i.e. bailable offences and non-bailable offences. In the cases of bailable offences, the

person accused has the indefeasible right to grant of bail subject of course to satisfactory sureties being offered. In the instant case, it is an admitted position that the alleged offences under section 448 & 506, P.P.C. are bailable. The only contention of learned counsel for the complainant for opposing the confirmation of interim pre-arrest bail is that the element of humiliation, harassment, mala-fide, intention to disgrace and dishonor are missing in the instant case. I am afraid, the right of bail is not restricted only to the extent of post arrest bail but the same is also available to an accused seeking pre-arrest bail. If a person is otherwise entitled to bail, no useful purpose shall be served by putting him firstly behind the bars and then allowing him bail. Needless to mention here that if a case for grant of bail is made out either on the ground of grant of bail as a matter of right or on any other principle of law, bail before arrest should be allowed.

5. For the foregoing facts and reasons, the interim bail already granted to the applicant vide order dated 22.11.2022 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 applicant on merits. However, in case the applicant misuses 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

Cr. Bail Application stands disposed of.

JUDGE

*Athar Zai*