

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1520 of 2023

Applicants : i. Yasir S/o Muhammad Naeem
ii. Mst. Marim D/o Muhammad Naeem
iii. Mst. Hani D/o Muhammad Naeem
Through Mr. Mallag Dashti, Advocate

Complainant : Mst. Nabeela Ali W/o Kareem Bux
Through Mr. Abdul Qadir, Associate of Mr.
Raj Ali Wahid Kunwar, Advocate

Respondent : The State
Through Mr. Abrar Ali Khichi,
Addl. Prosecutor General, Sindh

Date of hearing : 29.08.2023

Date of order : 29.08.2023

ORDER

AMJAD ALI SAHITO, J - Through bail application, applicants/accused seek pre-arrest bail in FIR No.391/2023 U/s. 147, 148, 149, 504, 506, 509, 452, 511, 337-A/1 PPC at PS Boat Basin, Karachi.

2. The details and particulars of the FIR are already available in the memo of bail application and FIR, which can be gathered from the copy of FIR attached with the application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicants, the applicants are innocent and have falsely been implicated in this case by the complainant; that all sections are bailable except section 452 PPC, for which punishment is provided as 07 years; that section 511 PPC has also been applied by the police in this offence, which means the offence has not been completed; that all applicants are students as Yasir is aged about 16 years, Hani is 18 years and Mariyam is 20 years; that challan has been submitted and the applicants are no more required for further investigation. He lastly prays for confirmation of bail.

4. On the other hand, Mr. Abdul Qadir, Associate/Advocate of learned counsel for the complainant submits that he is junior of

Mr. Raj Ali Wahid, Advocate, as such, he has no instruction to proceed with the matter; however, he has raised objection for confirmation of bail. Whereas, learned Addl. P.G. raises no objection on the ground that there is no major injury caused to the injured as only marks of bite on the hand and arms are shown in the initial medical certificate, which apparently falls under Section 337(A) PPC, which is bailable.

5. Heard and perused. From perusal of record, it appears that the role assigned against the applicants are general in nature. All sections for which applicants have been booked are bailable except section 452 PPC, whereas, as per medical certificate, injuries are just marks of bite on the hands and arms of the injured. Further, the police have applied Section 511 PPC which means the offence has not been completed. The applicants are students and they are no more required for further investigation. Learned counsel for the applicants pleaded malafide on the part of the complainant.

6. In view of the above stated position, learned counsel for the applicants has made out a case for grant of bail in terms of subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is allowed. The pre-arrest bail granted to the applicants vide order dated 14.07.2023 is hereby confirmed on the same terms and conditions. Applicants/accused are directed to attend the trial as and when required. However, it is made clear that if the applicants/accused misuse the concession of bail, learned trial Court would be at liberty to take appropriate action.

7. 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