

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 453 of 2024
(Mumtaz v. The State)
Criminal Bail Application No.2254 of 2023
(Muhammad Rasheed and 02 others v. The State)
Criminal Bail Application No.177 of 2024
(Mehboob v. The State)
Criminal Bail Application No.2326 of 2023
(Bashir Ahmed Shabrani and another v. The State)

Date	Order with signature of Judges
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For hearing of bail application

13.05.2024

M/s. Moula Bux Bhutto, Ghulam Nabi and Muhammad Shafqat, advocates for the applicants
Mr. Ashiq Muhammad, advocate for the complainant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

As per complainant Sultan Ahmed he is residing in his house in village Ali Muhammad Jokhio, the applicants and others came to his house; made a claim of ownership over the same, demanded money from him for his occupancy; attempted to dispossess him therefrom by using criminal force thereby caused butt and iron rod blows to him and his son Hameed ur Rehman who came there on his cries; the applicants then made entry in his house; took away with them his money worth Rs.2,35000/- he then reported the incident to the police.

The applicants having been refused pre-arrest bail by learned VII-Additional Sessions Judge, Malir, Karachi, have sought the same from this Court by making the instant bail applications under section 498 Cr.P.C.

It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant only to satisfy his dispute with them over possession of the house, therefore, they are entitled to be admitted to pre-arrest bail on point of malafide and further inquiry, which is opposed by learned Assistant Prosecutor General for the State

and learned counsel for the complainant by contending that the offence which the applicants have committed is affecting the society at large.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about two days; such delay could not be overlooked. Sections 395/397 have been deleted by the police while submitting the charge sheet. Applicants Mumtaz and Mehboob have been let off by the police on investigation finding them to be innocent. There is dispute between the parties over possession of the house. The case has finally been challaned. The applicants have joined the trial and there is no allegation of misusing the concession of interim pre-arrest bail on their part. In these circumstances, a case for grant of pre-arrest bail to the applicants on the point of further inquiry and malafide is made out.

Consequent to the above discussion, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

Instant bail applications are disposed of accordingly.

J U D G E