

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Criminal Bail Application No.S-43 of 2025

Applicant: Abdul Hakeem son of Aghan Khan Abbasi, through
Mr. Zeeshan Ayoub Pathan, Advocate.

Complainant: Mr. Irfan Khaskheli, Advocate.

Respondent: The State
Through Ms. Rameshan Oad, A.P.G.

Date of hearing : **20.01.2025**

Date of Order : **20.01.2025**

O R D E R

AMJAD ALI SAHITO, J:- Through the instant bail application, the applicant/accused above named seeks his pre-arrest bail in Crime No.99 of 2024, under sections 506/2, 504 P.P.C, registered at P.S GOR Hyderabad, after his bail plea was declined by the trial Court vide order dated 24.12.2024.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has mainly contended that applicant/accused is innocent and has falsely been implicated in this case by the complainant infact the applicant is a human right activist and he has made so many complaints against the officials and in order to create personal pressure upon him the instant FIR was registered; that there is delay for about six days in lodgment of FIR without any plausible explanation.

4. On the other hand, Mr. Irfan Khaskheli advocate files power on behalf of complainant, same is taken on record. He submits that during course of investigation the new two sections u/s 353 and 384 PPC has been inserted in the challan; that after grant of pre-arrest bail before the learned trial Court he did not join the investigation however his bail plea was declined and by superseding the facts another bail was filed and the same was also dismissed, thereafter, he approached before the Principal Seat of this Court at Karachi for protective bail and thereafter the same was transferred to this Court. He lastly prayed that the applicant/accused is habitual offender and used to move false applications in order to get money from the government official therefore, his bail plea may be dismissed.

5. Learned A.P.G for the State also supported the contention of learned counsel for the complainant and submits that CRO is also against the applicant/accused. She also submits that after grant of bail, he did not join the investigation.

6. Heard & perused.

7. The case of prosecution is that applicant/accused Abdul Hakeem used to call himself as human right activists and used to threats to government officials in order to blackmail them. On the day of incident, he appeared in the office of health department and started blackmailing to the officials and demanded money and on refusal he issued threats to them for dire-consequences. Learned counsel for complainant also submits the detail of the documents which are taken on record, which reflects that the applicant/accused used to blackmail the government officials in order to get money from them. In this case for demanding Bhatta from the government officials the said sections have also been inserted, which prima facie connect him with the commission of offence. Furthermore, after grant of interim pre-arrest bail by the learned trial Court, the applicant/accused did not join

investigation. No malafide or ill-will has been pointed out that he has falsely been involved in this case. At bail stage only tentative assessment is to be considered and tentatively a sufficient material is available on record to connect the applicant/accused with the commission of offence. In the present facts and circumstances the applicant/accused remained unable to make out a fit case for grant of the extra ordinary concession of pre-arrest bail. I am fortified with the case law of Hon'ble Supreme Court of Pakistan [2019 SCMR 1129] wherein the Hon'ble Supreme Court of Pakistan has held as under:

"Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre- arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."

8. For the above stated reasons, prima facie there appear reasonable grounds for believing that applicant/accused has committed the alleged offence. Ingredients for grant of pre-arrest bail are not satisfied in the case. Hence, no case for pre-arrest bail to the applicant/accused is made out. Resultantly, interim pre-arrest bail already granted to the applicant/accused is hereby recalled and application for pre-arrest bail is dismissed. At this stage, learned A.P.G requests for custody of the applicant/accused on the ground that after grant of interim pre-arrest bail by the learned trial Court he did not join investigation. In such view of the matter, the I.O of the case present in Court also confirms the position, therefore, the custody of

applicant/accused is hereby handed over to him for further investigation.

9. 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

Ahmed/Pa,