

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.484 of 2020.

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Date: Order with signature(s) of the Judge(s)  
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For Hearing of Main Case.

29<sup>th</sup> January, 2021.

Mr. Zakir Hussain Bughio advocate for the applicant.  
Respondent No.8 present in person  
Mr. Fayyaz Husain, Assistant P.G.

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Heard learned counsel for the applicant.

Relevant paragraph of impugned order is that:

***"5. I have heard both Advocate for the parties and perused the contents of petition and report submitted by the SHO of PS concerned it appears that the petitioner has submitted that he ran Khyber Hassan Zai Hotel at Metroville Site, Karachi after taking premises on rent and also completed all formalities. During lockdown hotel was closed and when government imposed smart lockdown then he again opened his hotel and run his hotel after following SOPs and also put banner on his hotel. The respondent No.2 took lockdown advantage blackmailed hotel owners to get bribe through agents in the area. The petitioner's labor resided in hotel, as such he could not put lock on the main gate and however, hotel remained close for the public during the hours of SOP. On 20.07.2020 respondent No.4 & 5 came in hotel during business hours, had lunch without paid Rs.550/-, his one servant asked them for bill payment, then respondent No.5 abused & posed him as DIG & respondent No.4 posed himself as respondent No.2. Thereafter, the respondents No.4 & 5 on daily basis came at hotel and demanded bhatta & abused him & his servant. Now the respondent No. 4 & 5***

*demanded bhatta Rs.10,000/- for per day for the respondent No.2 or otherwise police not permitted him to open his hotel. During Covid-19, he could not arrange such huge amount daily for the respondent No.2. Then, the respondent No.2 in person came & threatened him that who not allowed him to open his hotel business, if he not paid bribe amount daily or weekly basis.*

*6. It is well established principal of law that any person appears at police station, then the Incharge of police station is bound to record the statement of person and register the FIR against the proposed accused, if any cognizable offence made out against the accused. In case, no cognizable offence made out then such entry be kept in the register under Section 155 Cr.PC. Therefore, applicant is at liberty to appear before SHO/Duty Officer of Police Station, record the statement, thereafter the said police official will form his own independent opinion in respect of crime and its falling on either clauses. During investigation, if it come on screen that present applicant without true substance registered a false crime against the proposed accused, then proceedings be initiated against the applicant U/s 182 PPC with the commission of cognizable offence, yet proposed accused cannot be arrested unless some tangible material became available, which can cause a reasonable suspicious of their having committed the offence, as laid down by the Honourable Supreme Court in case of Govt. of Sindh Vs. Raeesa Farooq [1994 SCMR 1293]. Such protection is sufficient for any innocent person against whom a false FIR is registered'.*

Perusal of above reflects that no illegality is committed by the trial court. Accordingly, instant Cr. Misc. Application is dismissed. However, no arrest shall be caused until tangible evidence is collected.

JUDGE

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.474 of 2020.

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Date: Order with signature(s) of the Judge(s)  
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For Hearing of Main Case.

29<sup>th</sup> January, 2021.

Mr. Dur Muhammad advocate for the applicant.  
Mr. Aijaz Ahmed advocate for respondent No.3, 4 and 5.  
Mr. Ghulam Akbar Punhoo advocate for respondent No.6.  
Mr. Siraj Ahmed Chandio, Additional P.G.

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Case of the private respondents is that deceased Abdul Rehman committed suicide by taking poison whereas, the case of the applicant [mother of deceased] is that in-laws has committed his murder by poisoning him. Under these circumstances, investigation is required. Accordingly, impugned order 27.10.2020 is set-aside. Respondent No.5 shall record the statement of applicant and incorporated the same in the book of under Section 154 Cr.PC and ensure that fair investigation is carried out including exhumation of body. However, no arrest shall be caused until tangible evidence is collected.

Instant Cr. Misc. Application is disposed of in above term.

JUDGE

M.Zeeshan

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.448 of 2020.

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Date: Order with signature(s) of the Judge(s)  
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For Hearing of Main Case.

29<sup>th</sup> January, 2021.

Mr. Amjad Ali advocate for the applicant.

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Since the applicant is seeking cancellation of bail of respondent No.1 on the plea of misuse of concession of bail granted by the trial court. Accordingly applicant would be competent to file the same alongwith evidence before the trial court.

In view of above, instant Cr. Misc. Application is dismissed.

JUDGE

M.Zeeshan

