

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.347 of 2025

Applicant : i. Muhammad Asad S/o Muhammad Younus  
ii. Fahad Waseem S/o Safdar Ali  
through Mr. Zulfiqar Ali Langah, Advocate

Respondent : For Complainant:  
Shaikh Faisal Nazeer S/o Haji Nazeer Shaikh  
through Mr. Syed Shafqat Ali Shah Masoomi,  
Advocate

For State:  
through Mr. Muhammad Iqbal Awan, Addl.  
P.G.

Date of hearing : 24.02.2025

Date of order : 24.02.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicants/accused seek pre-arrest bail in Crime No.1177/2024 for the offence under Sections 337F(i), 337F(v), 337A(i) PPC registered at PS Shahrah-e-Faisal, after their bail plea has been declined by the learned 8<sup>th</sup> Additional Sessions Judge, Karachi East vide order dated 01.02.2025.

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

3. Mr. Zulfiqar Ali Langah, Advocate files Vakalatnama on behalf of the applicants, which is taken on record. Per him, the applicants are innocent and have falsely been implicated in this case; that FIR is delayed about 19 days for which no plausible explanation has been furnished; that there are two places of incident but it is yet to be determined at what place the incident had actually occurred; that no motive has been suggested in the FIR; that the complainant has improved his statement in the report submitted by the police U/s 173 Cr.P.C.; that due to dispute over the plot, the applicants have been booked in this case. Lastly, he prays for confirmation of bail.

4. On the other hand, Syed Shafqat Ali Shah Masoomi, Advocate files Vakalatnama on behalf of the complainant, which is also taken on record. He has opposed for confirmation of bail and stated that delay of FIR has properly been explained by the complainant as immediately after the incident, he appeared at police station and such entry was made at police station. Thereafter, he went to the hospital for treatment. He further submits that the applicants are hardened and desperate criminals but on Court's query, he has failed to disclose any criminal case registered against them; however, he submits that previously same complainant registered an FIR against the applicants. Learned Addl. P.G. also opposes for bail.

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that FIR is delayed about 19 days for which no plausible explanation has been furnished. All sections in which the applicants have been charged are bailable except 337(f)(v) PPC but when it was confronted whether the complainant has received any injury, learned counsel for the complainant stated that the complainant received injury on his foot; however, nowhere it is written in the FIR that applicants have hit on the foot of the complainant, as such, it is yet to be determined whether Section 337(f)(v) PPC is applicable in this case when evidence will be recorded. Further, in the report filed by the police under Section 173 Cr.P.C., the complainant has improved his statement by implicating another accused namely Shahid Waseem, though his name does not find place in the FIR. Further, learned counsel for the applicants also pleaded malafide on the part of complainant that due to dispute over the plot, the applicants have been booked in this case. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicants has made out case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The interim pre-arrest bail granted to the applicants/accused vide order dated 07.02.2025 is hereby confirmed on same terms and conditions. The Applicants are directed to attend the trial. 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.

8. 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/accused on merits.

JUDGE

Kamran/PA