

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI  
Crl. Bail Application No.1545 of 2025

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Date:                      Order with signature of the Judge  
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For hearing of Bail Application

**26.06.2025**

Mr. Naseer Nehal Hashmi, Advocate for the Applicant.  
M/s. Iqbal Hussain and Hadi Bux Chandio, Advocates  
for the Complainant.  
Ms. Amna Ansari, Addl. P.G. Sindh.  
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Being aggrieved with the order passed by the learned XIth Additional District and Sessions Judge, Karachi West, in Cr. Bail Application No.2725/2025 dated 04.06.2025 in FIR No.229/2025 under Section 337 A(i), 337 F(v) PPC, registered at P.S. Pakistan Bazar, Karachi, whereby the bail application of the Applicant/accused was declined. The Applicant/accused has filed instant bail application before this Court seeking release of the Applicant/accused on bail. The prosecution story as stated in the FIR is as follows:-

" Complainant lodged the FIR at Police Station Pakistan Bazar, stated therein that I am a Housewife and used to reside at given address in Column No.2 of FIR, that on 05.02.2025 my son namely; Shafi-ul-Haq came around 1 PM and suddenly started verbal abuse against me and asked to leave the house that on refusing his demands he started the use physical force which resulted in wound on my left hand bruises on the body. Therefore this crime registered under section 337 F(v), 337A(i) PPC."

2. Learned counsel for the Applicant/accused has contended that the Applicant/accused is innocent and has been falsely implicated in the instant crime. Learned counsel further submits that the Applicant/accused was arrested on 21.05.2025 from his place of abode,

after the lapse of 14 days from the lodging of the FIR, which was even otherwise lodged after an unexplained delay of 3 months. It is further contended that the alleged incident took place in broad day light within the house, whereas, not a single eyewitnesswitnessed the alleged incident. Per learned counsel, offence pertains to Section 337 A(i) which is a non-cognizable offence and FIR cannot be lodged, however on issuance of MLO reference, Section 337 F(v) PPC was malafidely added, whereas, neither the Prosecution nor the Complainant has produced the X-Ray upon which they have placed reliance. Learned counsel has lastly submitted that the dispute between the parties is of civil nature, however, the complainant has deliberately attempted to turn a civil dispute into a criminal case by lodging this FIR. Civil litigation between the said parties is already pending bearing Suit No.1121/2024 before the learned IXth Senior Civil Judge, Karachi West. It is further argued that the alleged offence does not fall within the prohibitory clause of sub-section (2) of section 497 Cr. P.C. Per learned counsel, it is a case of further inquiry. Learned counsel for the Applicant/accused prayed for grant of bail.

3. Conversely, the learned counsel for the Complainant supported the impugned order passed by the learned Additional District & Session Judge-XI, Karachi West, and submitted that challan has been furnished, whereby, the I.O. has confirmed the nature of crime is Section 337 A(i). It was further argued by the learned counsel that the Applicant has committed an offence which is morally reprehensible and has injured his aged mother. Learned counsel for the complainant has placed reliance in the cases of *Saifullah v. The State*<sup>1</sup> and *Noraz Akbar*

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<sup>1</sup> 1992 P Cr. L. J 2589

*v. The State and another*<sup>2</sup>. Learned DPG adopted the arguments advanced by the counsel for the complainant and prayed for dismissal of the instant bail application.

4. I have heard learned counsel for the Applicant/accused, complainant as well as DPG, perused the FIR and the available record. It is evident that there is a delay of over 3 months in lodging of the FIR, which at least in the facts of the present case, entitles the Applicant for concession of bail. Moreover, the offences fall outside the prohibitory clause and the Applicant/accused has been incarcerated since 21.05.2025.

5. In view of the hereinabove, the matter requires further inquiry. It is a settled principle of law that bail cannot be withheld as punishment, whereas grant of bail in bailable offences is a rule and refusal is an exception.

6. Under the circumstances, respectfully following the dicta laid down by the Hon'ble Superior Courts, I am of the view that the Applicant/accused has made out a case for grant of bail. Accordingly, the Applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One lac Only) with P.R. bond in the like amount to the satisfaction of the learned trial Court.

7. Needless to observe that the observations made herein are tentative in nature and shall not prejudice the merits of the case which may be examined strictly in accordance with law and on the basis of evidence on record.

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<sup>2</sup> 2011 P Cr.L. J 852

8. However, it is clarified that if, the applicant/accused misuses the concession of bail in any manner, the learned trial Court shall be at liberty to proceed against the applicant/accused as per law.

Nadeem

J U D G E