

**IN THE HIGH COURT OF SINDH, AT KARACHI**

Cr. Bail Appln. No. 1854 of 2025.

Applicant : Sajjad Ali through Mr. Syed Tahir Hussain Shah, Advocate.

Complainant : Farhat Gul through present in person.

Respondent : The State, through Mr. Mohammad Noonari, D.P.G. Sindh.

Date of Hearing : 25.11.2025.

Date of Order :

**ORDER**

**TASNEEM SULTANA, J.:-** Through this Criminal Bail Application, the applicants Sajjad Ali and Ghulam Muhammad seek pre-arrest bail in Crime No.372/2025 registered at Police Station Darakhshan, Karachi under sections 336-B, 506, 34 and 337-F(i), PPC. Earlier, the same relief was granted by the learned 1st Additional Sessions Judge, Karachi East; however, the said order was recalled vide order dated 16.07.2025, hence the present application.

2. The brief facts of the prosecution case are that on 13.06.2025, ASI Khalid Parvaiz, after recording statement under section 154, Cr.P.C. at Civil Hospital Karachi, returned to the Police Station and reported that the complainant, Mr. Farhat Gull, Advocate, stated that at about 0930 hours, while he was waiting for a Bykea motorcyclist in front of Waseem Bagh to proceed to City Court, two unknown persons riding a motorcycle approached him. The pillion rider, wearing a helmet, alighted from the motorcycle, threatened him to withdraw Petition No.733/2025 pending before the Court of the learned XIV Additional District Judge, East, Karachi, and threw acid from a bottle, which fell on his legs. It is further alleged that thereafter another motorcyclist arrived, also threatened him for not withdrawing the petition and threw acid upon him. The complainant stated that he recognized one of the assailants as Sajjad and claimed that he could identify the remaining persons if produced before him, and that the assailants extended threats of severe consequences in case of non-withdrawal of the said petition, whereupon the case was registered.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated with mala

fide intention; that there exists enmity between the parties over government land; that applicant Sajjad is an employee of Pakistan Railways and was on official duty at the relevant time; that no independent witness has been associated; therefore, the case calls for further inquiry and the applicants deserve confirmation of pre-arrest bail.

4. Conversely, learned D.P.G., assisted by the complainant appearing in person, opposed the plea and argued that the applicants are nominated in the case with specific roles of throwing acid upon the complainant, who sustained burn injuries, therefore, they are not entitled to the concession of bail.

5. Heard. Record perused.

6. It appears that the complainant has alleged that on the relevant date and time, while he was present near Waseem Bagh for the purpose of proceeding to City Court, the applicants, along with another person, approached him on motorcycles and threatened him to withdraw Petition No.733/2025 pending before the Court of the learned Additional District Judge, East, Karachi. It is alleged that in furtherance of such threats, acid was thrown upon him, as a result whereof he sustained burn injuries on his legs, and that the assailants extended threats of serious consequences in the event of non-withdrawal of the said petition. The applicants, on the other hand, deny the allegations and assert that the case has been lodged with mala fide intention owing to an underlying dispute relating to Railway land, contending that applicant Sajjad is an employee of Pakistan Railways, was performing official duties at the relevant time and has annexed the duty report in support thereof, whereas applicant Ghulam Muhammad was not nominated at the time of occurrence, and the basis on which his name subsequently surfaced is disputed.

7. The material placed on record raises questions which, at this stage, cannot be conclusively resolved without evidence. Whether applicant Sajjad was in fact performing official duty at the relevant time, as claimed and supported by the annexed duty record, is a matter requiring proof. Likewise, the statements of Farhad Younus Memon and Zohaib Yousuf, though recorded under section 161, Cr.P.C., call for cautious evaluation by the trial Court, particularly when it appears from the record that both had pending litigation with the applicants. As regards applicant Ghulam Muhammad, the question arises as to how and on what basis his name subsequently came to be disclosed

when he was not nominated at the outset. The absence of any independent witness from the locality further adds to these unresolved aspects. Collectively, these circumstances give rise to reasonable doubt at this stage and bring the case within the ambit of further inquiry as contemplated under section 497(2), Cr.P.C. Reliance is placed on the case of Salman **Mushtaq & others v. The State through P.G Punjab and another (2024 SCMR 14)**, wherein the Honourable Supreme Court has held as under:-

*“While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.”*

8, In the case of **Zaigham Ashraf v. State and others (2016 SCMR 18)**, the Hon’ble Supreme Court held that curtailing the liberty of a person is a serious step in law, therefore, judges shall apply judicial mind with deep thought for reaching fair and proper conclusion albeit tentatively. However, this exercise shall not be carried out in vacuum or in flimsy and casual manner as that will defeat the ends of justice because if the accused charged is ultimately acquitted at the trial, then no reparation or compensation can be awarded to him for long incarceration.

9. For the foregoing reasons, the interim pre-arrest bail granted to the applicants vide order dated 18.07.2025 is confirmed on the same terms and conditions.

10 The applicants shall continue to attend the trial Court regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail in accordance with law. The observations made herein are tentative in nature and shall not prejudice either party at trial.

**JUDGE**

Shabir/P.S