

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2913 of 2025

Applicants: Aqib Shah (Waqil) and Habib Shah through  
Mr. Liaquat Ali Awan, Advocate

Respondent: The State through Mr. Sharafuddin Kanhar,  
Assistant Prosecutor General Sindh.

Date of hearing: 12.01.2026

Date of Order: 12.01.2026

### ORDER

**TASNEEM SULTANA, J:** Through this Crl. Bail Application, the applicants namely Aqib Shah (Waqil) and Habib Shah seek pre-arrest bail in Crime No.174 of 2025 registered at Police Station Baldia Town, Karachi West under Sections 337-A(iii)/504/34 P.P.C. Their earlier bail application for the same relief was declined by the learned XIIth Additional Sessions Judge, Karachi West, vide order dated 21.10.2025. Hence this application for the same concession.

2. The brief facts of the prosecution case are that the complainant Jahangir Shah reported that; his property dispute regarding inherited property was subsisting with Azim, Waqib and Habib sons of Yaqoob Shah; that on 14.09.2025 at about 1845 hours, all the three along with one unknown associate came to his house, raised hue and cry and abused him; that upon his coming out, all three brothers having iron rods and the fourth having iron articles, started beating him with rods as a result whereof he sustained injury on his head from which blood oozed as well as injuries on his back, neck, ribs and other parts of the body including internal injury; that the accused persons also attempted to enter his house but fled upon intervention of locality people; that he went to Police Station and obtained letter for MLO Civil Hospital but conducted his treatment from Abbasi Shaheed Hospital where his MLC No.8579/25 was issued and thereafter along with supplementary Medico Legal report the matter was reported to Police Station for legal action.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case; that the dispute between the parties relates to inherited property; that the F.I.R. has been lodged due to this background dispute and with mala fide intent; that no specific role has been assigned to either applicant and the allegations

are general in nature; that the narration does not attribute any distinct overt act to them; that the applicants are ready and willing to join the investigation and to face the process of law; and that, in these circumstances, the case calls for further inquiry and protection by way of pre-arrest bail.

4. Conversely, learned A.P.G., assisted by learned counsel for the complainant, opposes the concession of pre-arrest bail and contends that the applicants are specifically nominated in the F.I.R.; that the occurrence resulted in injuries attributed to the accused persons; that the applicants actively participated in the assault; and that pre-arrest bail, being an extraordinary relief, is not warranted in the circumstances of the case.

5. Heard. Record perused.

6. A perusal of record reflects that; the applicants are nominated along with other co-accused with the assertion that they participated in the occurrence wherein the complainant sustained injuries alleged to have been caused with iron rods/iron articles. The prosecution version attributes collective participation in the assault; however, the narration of the F.I.R., when tentatively examined, does not assign any specific or distinct overt act to either of the present applicants, nor does it delineate the precise attribution of injury inter se the accused persons. The allegation thus remains general and omnibus in nature.

7. The record further reflects that the parties are admittedly at variance on account of a subsisting property/inheritance dispute, furnishing a background which, at this stage, calls for cautious appraisal of the prosecution version. The possibility of exaggeration or over-implication, therefore, cannot be ruled out outright. The question as to individual participation, exact role and the veracity of the competing stances would necessarily require recording of evidence and its deeper appreciation at trial, which exercise is not permissible while adjudicating bail.

8. It is a settled principle that at bail stage the Court is to form only a tentative view and not to conduct a mini trial. Where allegations are general in nature and specific role is absent, the matter ordinarily falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. Applying this settled yardstick, the features emerging from the record create reasonable doubt regarding the degree of involvement of the applicants.

9. In view of the above circumstances, the applicants have made out a case for confirmation of pre-arrest bail. Consequently, the instant pre-arrest bail application is allowed and the interim pre-arrest bail earlier granted vide

order dated 23.10.2025 is hereby confirmed on the same terms and conditions.

10. Needless to mention that the observations made herein are tentative in nature and shall not prejudice the case of either side at trial.

11. These are the reasons for my short order dated 12.01.2026.

**JUDGE**

Nadeem