

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Appln. No. 2610 of 2025.

Cr. Bail Appln. No. 2611 of 2025.

Cr. Bail Appln. No. 2476 of 2025.

Applicants : Rizwan Khan, Fareed @ Qadeer,
Tabish,
Umar Hayat, Abid Hussain and Ayaz Ali
through Mr.Dhani Bux Malik, Advocate
in Cr.B.A No.2610 and 2611 of 2025.

Applicant : Mohsin through Ms. Aneela Rafeeq,
Advocate in Cr.B.A No. 2476 of 2025.

Complainant : Sakhiullah is present in person.

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

Date of hearing : 08.12.2025.

Date of order : 08.12.2025.

ORDER

TASNEEM SULTANA, J.- Through this common order, I propose to decide Criminal Bail Application Nos. 2610 & 2611 of 2025 (post-arrest bail) and Criminal Bail Application No. 2476 of 2025 (pre-arrest bail), arising out of Crime No. 284/2025, registered under Sections 448, 506-B, 511, 452 & 34, P.P.C., read with Sections 3/4 of the Lawyers Protection Act, Police Station Feroze, Karachi (South); wherein, the applicants in Cr.B.A. Nos. 2610 & 2611 of 2025 seek post-arrest bail, their earlier request having been declined by the learned Additional Sessions Judge-I, Karachi South, in Criminal Bail Application No. 3499 of 2025, vide order dated 29.09.2025, whereas the applicants in Cr.B.A. No. 2476 of 2025 have invoked the concurrent jurisdiction of this Court by seeking pre-arrest bail.

2. Brief facts of the prosecution case, are that on 18-09-2025 at about 0410 hours, the complainant, Advocate by profession, while present at his house, woke up and saw two persons armed with deadly weapons entering his house after scaling the boundary wall. Upon raising alarm, accused Safdar allegedly opened the main gate, enabling accused Mohsin and Shafi to enter and apprehend him, while five other companions also entered the premises and collectively subjected him to torture. On hearing the cries of the complainant, one Aqil arrived at the spot and the complainant managed to call police helpline 15, whereupon the police reached the place of incident and apprehended three accused persons namely Rizwan Khan, Qadeer and Tabish, who were taken into

custody and brought to the police station, whereas the remaining accused persons managed to flee away. Hence, the complainant nominated accused Shafi, Mohsin and Safdar along with their absconding companions for unlawful entry into his house while armed with deadly weapons, assaulting and torturing him, and for extending threats of dire consequences.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated due to mala fide and ulterior motives; that the instant F.I.R. is the outcome of previous dispute and personal as well as professional rivalry; that the allegations are sweeping and omnibus in nature and no specific overt act has been attributed to each applicant so as to attract individual criminal liability; that the complainant has attempted to rope in the applicants by assigning a general role; that the prosecution version requires verification through strict proof at trial; that no independent person from the locality has been associated by the prosecution; that no incriminating recovery has been shown from any of the applicants; that the offence does not fall within the prohibitory clause of section 497 Cr.P.C.; and that, on the attending circumstances, the case calls for further inquiry within the meaning of section 497(2) Cr.P.C., therefore, the applicants are entitled to the concession of bail.

4. Conversely, learned Deputy Prosecutor General, assisted by the complainant present in person, opposed the bail applications; contended that the applicants are specifically nominated in the F.I.R.; that the prosecution allegation pertains to unlawful entry into the house of the complainant during night hours while armed with deadly weapons; that the complainant has alleged torture and threats at the hands of the accused persons; that three accused persons were apprehended from the spot on the complainant's call to police helpline 15; that the offence is serious in nature and attracts the provisions of the Lawyers Protection Act; that sufficient material is available to connect the applicants with the commission of the alleged offence; and that the bail applications are liable to be dismissed.

5. Heard. Record perused.

6. It appears that the prosecution has alleged that the applicants, while armed with deadly weapons, unlawfully entered the complainant's house, subjected him to torture and extended threats; and that upon his call to police helpline 15, accused Rizwan Khan, Qadeer and Tabish were apprehended, whereas the remaining accused managed to flee away. It further appears that the allegations against the applicants are, prima facie, general in nature, and the exact role and extent of participation attributed to

each of them, for the purpose of determining individual liability, would require further probe at trial after recording of evidence. The question of independent corroboration, as also the circumstances relating to any recovery, if any, from any particular applicant, would also require closer examination during trial. It also transpires that there exists a prior dispute between the parties; therefore, the possibility of false implication of the applicants in the background of previous enmity cannot be ruled out at this stage. Furthermore, applicants Mohsin, Shafi and Safdar being real brothers inter se lends weight to the contention that the entire family has been roped in due to personal grudge. Thus, on these counts, the prosecution case, at this stage, calls for further inquiry within the meaning of Section 497(2), Cr.P.C. The alleged offences, though serious, do not fall within the prohibitory clause of Section 497, Cr.P.C., and the maximum punishment provided does not warrant continued incarceration at this stage.

7. The applicants in Cr.B.A. No. 2476 of 2025 were earlier granted interim pre-arrest bail by this Court. No material has been brought on record to show misuse of the concession of bail. In the attending circumstances, the apprehension of mala fide arrest cannot be ruled out, therefore, the interim pre-arrest bail granted to the said applicants calls for confirmation.

8. It is well settled that at the bail stage the Court is not required to conduct a mini trial or make deeper appreciation of evidence; rather, a tentative assessment of the material available on record is to be made to determine whether the case falls within the ambit of further inquiry. Reliance is placed upon the cases of **Tariq Bashir v. The State (PLD 1995 SC 34)** and **Muhammad Tanveer v. The State (2017 SCMR 733)**, wherein the Hon'ble Supreme Court observed that grant of bail is a rule and refusal is an exception, particularly in cases not falling within the prohibitory clause of Section 497, Cr.P.C.

9. In view of the above discussion, applicants **Rizwan Khan, Fareed @ Qadeer, Tabish, Umar Hayat, Abid Hussain and Ayaz Ali** in Criminal Bail Application Nos. 2610 & 2611 of 2025 are admitted to post-arrest bail, subject to their furnishing solvent surety in the sum of Rs.50,000/- each and P.R bond in the like amount, to the satisfaction of the learned trial Court. Interim pre-arrest bail earlier granted to applicants **Mohsin, Muhammad Safdar and Shafi Muhammad Babar** in Criminal Bail Application No. 2476 of 2025 is hereby confirmed on the same terms and conditions. These are the reasons for my short order dated 08.12.2025.

10. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party during trial.

JUDGE