

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Appln. No. 2016 of 2025.

Applicant	:	Hamid Hakkani through Mr.Irshad Ahmed Chachar, Advocate.
Complainant	:	Bakhat Ali through Mr.Gulzar Hussain, Advocate.
Respondent	:	The State through Mr.Mohammad Noonari, D.P.G. Sindh
Date of hearing	:	04.11.2025.
Date of order	:	04.11.2025.

O R D E R.

TASNEEM SULTANA-J.:- Through this bail application, applicant Hamid Haqqani seeks pre -arrest bail in Crime No. FIR No. 315 of 2025 registered with P.S. Al-Falah, Karachi for offence under Sections 447, 511, 506, 504, 427, 186, 468, 471, 472 & 34 PPC , which was earlier declined by the learned XIIIth Additional District Judge, East Karachi vide order dated 30.7.2025.

2. Briefly stated, the facts of prosecution case are that on 19-06-2025, while complainant was present at Sindh Secretariat in connection with official work, he received a telephone call from Sodagran Cooperative Housing Society informing him that certain persons were illegally occupying the park of the said society. It was alleged that the said persons were Hamid Haqqani s/o Sattar Haqqani along with three unknown companions, who had illegally broken the boundary wall of the park and were attempting to occupy the same. It is further alleged that when the office bearers of the society attempted to prevent the accused persons from committing the said illegal acts, the accused abused them, issued threats of dire consequences, threw out office record, and interfered in official work. Upon receiving such information, the complainant reached the place of incident and came to know that Hamid Haqqani, along with his unknown companions, had prepared forged Membership No.580 and fabricated documents relating to Plot No.134/A, which were allegedly shown as genuine, whereas no such membership, plot, or record existed in the office of the society. It is further alleged that when the complainant tried to restrain the accused from their acts, the accused misbehaved, used abusive language, and continued to interfere in government work. On the basis of these allegations, the complainant approached the police for legal action. Hence, the FIR.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated with mala fide intention, that the dispute in question is purely of civil nature, and that a civil suit bearing No.7984 of 2025 regarding the same property is already pending before the learned Civil Court, wherein the applicant is a contesting defendant. It was further argued that prior to registration of the FIR, an application under sections 22-A & 22-B Cr.P.C. filed by complainant on the same cause of action was dismissed by the learned Ex-Officio Justice of Peace; that the complainant lodged the FIR after an unexplained delay, with vague and general allegations; that by implicating the applicant in false criminal proceedings, the applicant is being subjected to harassment only to exert pressure upon him and fix personal grudge of complainant in a civil dispute and to usurp the property belonging to the deceased sister of the applicant; that most of the sections are bailable, except section 468 PPC which, though non-bailable, does not fall within the prohibitory clause of section 497 Cr.P.C.

4. Conversely, learned DPG duly assisted by learned counsel for the complainant, opposed the bail application; however, he could not controvert that civil litigation is pending between the parties, that prior proceedings under section 22-A & B Cr.P.C. had already been dismissed, and that the FIR does not disclose any specific role supported by independent evidence.

5. Heard. Record perused.

6. Perusal of the record reflects that there is dispute between the parties which is already subject-matter of civil proceedings pending before competent Court of law prior to lodging of the instant FIR, and that the criminal case appears to have been initiated subsequently. Moreover, the FIR contains general and sweeping allegations, no independent witness has been associated, and the alleged offences under forgery laws requires deeper probe and documentary verification, which could be made only at the trial. The apprehension of arrest, in the given circumstances, appears to be aimed more at harassment than legitimate investigation. It is well-settled that pre-arrest bail may be granted where the Court finds mala fide, ulterior motive, or abuse of the process of law, particularly where a civil dispute is given criminal colour and the offence does not fall within prohibitory clause of section 497 Cr.P.C. Consequently, in the case in hand, wherein the element of malice and malafide on the part of complainant cannot be ruled out, the exercise of extra ordinary discretion of pre-arrest bail would be just to meet the ends of justice, particularly, when the circumstances

warrant further inquiry and the fact that the alleged offences do not fall within the ambit of prohibitory clause of section 497 Cr.P.C wherein grant of bail is a rule and refusal is an exception. Reliance is placed on the cases of **Muhammad Ramzan alias Jani Vs. The State and others (2020 SCMR 717)** and **Tariq Bashir V. The State (PLD 1995 SC 34)**.

7. Moreover, reliance may also be placed on the judgment of the Hon'ble Supreme Court in the case of **Rana Arshad v. Muhammad Rafique and another (PLD 2009 SC 427)**, wherein the Court held that the extraordinary remedy of pre-arrest bail is permissible even in cases of non-bailable offences if the accused can establish mala fide on the part of the complainant or police, or if there are circumstances suggesting false implication. The Court also underscored that the purpose of pre-arrest bail is not to shield the guilty from arrest but to protect innocent persons from illegal harassment and unjustified arrest.

8. For what been discussed above, at this stage, on my tentative assessment, I am of the considered view that the applicant has made out his case one of further enquiry as envisaged under subjection (2) of Section 497 Cr.P.C. Consequently, this bail before arrest application was allowed, and interim pre arrest bail already granted to the applicant by this Court was confirmed on the same terms and conditions by my short order dated 04.11.2025 and these are reasons thereof. The applicant shall join the investigation or trial, as the case may be, and shall not misuse the concession of bail.

The observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE