

IN THE HIGH COURT OF SINDH AT KARACHI.

Criminal Bail Application No. 144 of 2026

Criminal Bail Application No. 145 of 2026

Applicants : Raja Muhammad Ilyas and Muhammad Fayaz, through Mr. Sharafuddin Jamali, Advocate.

Respondent : The State through Mr. Muhammad Noonari, Deputy Prosecutor General Sindh.

Date of hearing : 21.05.2026

Dated of Order : 21.05.2026

ORDER.

TASNEEM SULTANA, J :- Through this common order, I intend to decide Criminal Bail Application No.144 of 2026 arising out of FIR No.03 of 2026 registered at Police Station Steel Town under Section 25-D Telegraph Act read with Section 34, P.P.C. and Criminal Bail Application No.145 of 2026 arising out of FIR No.13 of 2026 registered at Police Station Malir City under Sections 506-B, 34, P.P.C. read with Sections 3 & 4 of the Lawyers Welfare and Protection Act, 2023, as both applications arise from the same background dispute and involve interconnected facts.

2. The brief facts of the prosecution case are that complainant Shamsur-Rehman, Advocate, lodged FIR No.03 of 2026 at Police Station Steel Town alleging that on 30.11.2025, he received a telephone call from applicant Raja Muhammad Ilyas, who allegedly extended threats to him in connection with an earlier FIR lodged against co-applicant Muhammad Fayaz, while Muhammad Fayaz allegedly sent threatening WhatsApp messages and voice notes to pressurize him to withdraw the said FIR. Subsequently, FIR No.13 of 2026 was registered at Police Station Malir City on the complaint of Nazeer Ahmed, Advocate, alleging that on 07.01.2026, applicant Raja Muhammad Ilyas, along with his co-applicant, intercepted him near Malir Court, threatened him with dire consequences and, during the course thereof, one of the accused persons allegedly brandished a pistol, whereafter he raised hue and cry and both applicants fled from the spot. Consequently, the aforesaid FIRs came to be registered against the applicants.

3. Learned counsel for the applicants contends that the applicants are innocent and have been falsely implicated in the present cases on account of previous enmity and ongoing disputes between the parties; that prior to registration of the FIRs, the applicants had already approached various authorities, including the police hierarchy, Bar Councils and Bar Associations, by filing complaints against the complainant side; that proceedings under Sections 22-A & 22-B, Cr.P.C. had also been initiated by the applicants' side before registration of the FIRs; that no independent corroboration is available to substantiate the allegations levelled against the applicants and the offences alleged do not call for custodial interrogation; that the applicants had joined the investigation and, prior to approaching this Court, had obtained interim pre-arrest bail from the learned District Court, Malir; that owing to apprehension of harm at the hands of members of the lawyer fraternity and an alleged physical assault upon the applicants, they could not attend the proceedings before the learned trial Court and, in this regard, had also filed a transfer application before this Court; and lastly prayed for confirmation of the interim pre-arrest bail already granted to the applicants.

4. Learned Deputy Prosecutor General opposes Criminal Bail Application No.144 of 2026 and submits that the applicants are specifically nominated in the F.I.R. and have been assigned active roles therein; that although the applicants joined the investigation, they failed to appear before the learned trial Court despite submission of the challan. However, with regard to Criminal Bail Application No.145 of 2026 arising out of FIR No.13 of 2026, he places on record a copy of the order passed by the learned Judicial Magistrate, Malir, whereby the Class-'C' report submitted by the Investigating Officer was accepted and the accused persons were discharged from the said F.I.R.; and thereafter left the matter to the discretion of this Court.

5. I have heard learned counsel for the applicants and learned Deputy Prosecutor General and have perused the material available on record.

6. A perusal of FIR No.03 of 2026 reflects that the allegation against applicant Raja Muhammad Ilyas is that he extended threats to the complainant through a telephone call in connection with an earlier criminal case lodged against co-applicant Muhammad Fayaz, whereas Muhammad Fayaz is alleged to have transmitted threatening WhatsApp messages and voice notes with a view to pressurize the complainant to withdraw the said case. Based on these allegations, the present F.I.R. came to be registered against the applicants.

7. It further appears from the record that disputes were already subsisting between the parties prior to registration of the present F.I.R. The record contains various complaints addressed to the police hierarchy, Sindh Bar Council and different Bar Associations, besides proceedings initiated under Sections 22-A & 22-B, Cr.P.C. The documents available on record further reveal that the genesis of the controversy appears to be a dispute relating to Sarfraz Academy, including issues concerning payment of school fees and other connected matters. It also appears that much before registration of the present F.I.R., both sides had levelled allegations against each other before different forums. Thus, the existence of prior hostility and continuing litigation between the parties is prima facie borne out from the record.

8. It further appears that during investigation, the prosecution collected the complainant's statement and the alleged electronic communications relied upon by the complainant. It is an admitted position that the applicants joined the investigation and thereafter challan has been submitted before the learned trial Court. No recovery is shown to have been effected from either of the applicants nor has any material been brought on record suggesting that their further custodial interrogation is required.

9. Another circumstance which cannot be lost sight of is that FIR No.13 of 2026 registered at Police Station Malir City against applicant Raja Muhammad Ilyas on allegations of a similar nature ultimately culminated in submission of a Class-'C' report by the Investigating Officer, which was accepted by the learned Judicial Magistrate, Malir, resulting in discharge of the accused persons. Although the said development may not be conclusive for determining the merits of the present case, it nevertheless constitutes a relevant circumstance indicating prior hostility and continuing litigation between the parties.

10. The material available on record prima facie reflects that the parties were already engaged in litigation and disputes arising out of matters relating to Sarfraz Academy prior to registration of the present F.I.R. The complaints and proceedings brought on record further indicate that allegations and counter-allegations had been exchanged between the parties before different forums much before institution of the present case. In such circumstances, the possibility of the prosecution case having nexus with the admitted pre-existing dispute between the parties cannot be ruled out at this stage. Determination of the true nature and effect of the allegations would require deeper appreciation of evidence, which is beyond the scope of bail proceedings. Consequently, the case of the applicants,

tentatively, falls within the ambit of further inquiry within the meaning of Section 497(2), Cr.P.C.

11. It is true that the Investigating Officer has pointed out that despite submission of the challan, the applicants have not appeared before the learned trial Court. This fact was fairly conceded by the learned counsel for the applicants, who explained that owing to apprehension of harm at the hands of members of the lawyer fraternity, the applicants could not attend the proceedings before the learned trial Court and have also sought transfer of the case. Be that as it may, since the applicants admittedly joined the investigation and the challan has already been submitted, their custodial interrogation is no longer required.

12. Consequently, Criminal Bail Application No.144 of 2026 is allowed and the interim pre-arrest bail already granted to the applicants vide order dated 17.01.2026 is confirmed on the same terms and conditions. The applicants are directed to appear before the learned trial Court within ten (10) days from the date of this order and shall thereafter attend the proceedings regularly. However, in case they fail to appear before the learned trial Court within the stipulated period, remain absent from the proceedings without lawful justification, or otherwise misuse the concession of bail, the learned trial Court shall be competent to take appropriate action in accordance with law, including cancellation of bail.

13. So far as Criminal Bail Application No.145 of 2026 arising out of FIR No.13 of 2026 is concerned, learned Deputy Prosecutor General has placed on record a copy of the order passed by the learned Judicial Magistrate, Malir, whereby the Class-'C' report submitted by the Investigating Officer has been accepted and the accused persons have been discharged from the said F.I.R. Since the proceedings arising out of the said F.I.R. have already culminated in acceptance of the cancellation report and discharge of the accused persons, no further order is required to be passed therein. Consequently, Criminal Bail Application No.145 of 2026 has become infructuous and is disposed of as such.

14. The observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

JUDGE