IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.56 of 2026

Applicant	:	Abdullah Chohan son of Muhammad Aftab Through Mr. Muhammad Rahib Lakho advocate
Complainant	:	Muhammad Saeed Gulsher Son of Mahmood Gulsher Through Mr. Moazzam Hussain advocate
The State	:	Through: Ms. Najma Latif Golo, A. P. G. Sindh
Date of hearing	:	07.10.2026.
Date of Order	:	07.10.2026.

O R D E R

Jan Ali Junejo, J:-- Applicant Abdullah Chohan son of Muhammad Aftab seeks pre-arrest bail in FIR No.400/2025, under Section 337-A(i) & (iii) PPC registered at Police Station Eidgah, Karachi, calling in question the order dated 07.01.2026 passed by the learned Additional Sessions Judge-XI, Karachi South, whereby his pre-arrest bail application was dismissed. The Applicant was granted ad-interim pre-arrest bail by this Court vide Order dated: 09.01.2026.

2. Brief facts of the prosecution case, as narrated in the FIR, are that the complainant Muhammad Saeed Gulsher appeared at the police station and reported that he had a property dispute with Abdullah Chohan. On 17.08.2025 at about 0400 hours, the complainant and his son, Murtaza, were present at the corner of Ahmed Pan Wali Gali, Maripur Line, when Abdullah Chohan arrived on a motorcycle and attacked the complainant's son with a sharp clip and severely beat him. Meanwhile, the people of the locality gathered at the spot and rescued the complainant and his son. As a result of the assault, the complainant's son's left eye became numb and closed, he sustained a cut above his left eye, blood was oozing from his nose, and he experienced severe pain in different parts of his body. The complainant obtained a medical letter from the police station and took his

son to Civil Hospital for treatment, where the Medical Legal Officer (MLO) issued a supplementary medical report and, in the final report, classified the injuries as Shajjah-i-Khafifah and Shajjah-e-Hashimah. Hence, the complainant lodged the present FIR on 25.12.2025 at 1230 hours under Section 337-A(1)(ii), PPC.

3. Learned counsel for the applicant contends that the applicant is a law-abiding citizen and has been falsely implicated in the present case due to personal enmity and a property dispute. He submits that the FIR has been lodged after an unexplained and inordinate delay of four months and eight days, which prima facie reflects deliberation, consultation, and concoction. He further submits that the applicant is residing as a lawful tenant in Flat No. 4/456, Allah Bus Building, Nabi Bux Road, Ranchore Line, Karachi, under a rent agreement dated 01.11.2024 executed with his maternal grandmother, Parveen Akhter, who is the lawful owner of the premises. According to learned counsel, the complainant is a cousin of the applicant's maternal grandmother and, in collusion with the applicant's maternal uncle, Muhammad Azam Fareed, has falsely implicated the applicant in the present case with the ulterior motive of forcibly evicting him from the flat and unlawfully occupying the same. He further submits that the applicant's maternal uncle had previously filed Criminal Miscellaneous Application No. 4198/2024 against the applicant, wherein the applicant's maternal grandmother appeared before the Inquiry Officer and made a statement against her son, Muhammad Azam Fareed. He also points out that the complainant has been involved in a property dispute with the applicant's maternal grandmother and had previously initiated proceedings under Sections 3 and 4 of the Illegal Dispossession Act, 2005, against her and others, who were subsequently acquitted. He further refers to the decision dated 05.01.2011 of the Muslim Marwari Salata Jamat, which, according to him, declared that the complainant had falsely instituted a case against Parveen Akhter and others. Learned counsel further contends that the complainant had served legal notices dated 12.02.2025 and 08.08.2025 upon the applicant through his counsel, calling upon him to vacate the flat. He submits that, in fact, on 17.08.2025, at about 0200 hours, the complainant, his son Murtaza, and the applicant's maternal uncle, Muhammad Azam Fareed, came to the applicant's flat armed with weapons, including a TT pistol, subjected him to threats,

abuse, and physical assault, and fled after extending further threats. In this regard, the applicant submitted a written application to the SHO, Police Station Eidgah, on 20.08.2025, but no action has been taken thereon. Learned counsel further argues that the allegations levelled in the FIR are vague and self-contradictory, no independent witness has been cited to corroborate the complainant's version, and the medical evidence does not conclusively connect the applicant with the commission of the alleged offence. He further submits that the applicant apprehends arrest at the hands of the police and that the criminal proceedings are being used as a means of harassment and coercion to compel him to vacate the premises. He adds that the applicant was scheduled to get married on 24.01.2026 and alleges that the complainant lodged the false FIR to cause disruption to his marriage arrangements. Learned counsel maintains that the applicant is ready and willing to join the investigation, cooperate with the investigating agency, and abide by any condition imposed by this Court, and that there is no likelihood of his absconding or misusing the concession of bail. He, therefore, contends that the case calls for further inquiry and that the applicant is entitled to the extraordinary relief of pre-arrest bail, as his arrest would serve no useful purpose and would expose him to unnecessary humiliation, harassment, and injury to his liberty, dignity, and reputation.

4. Conversely, learned APG assisted by learned counsel for the complainant have vehemently opposed for confirmation of bail on the ground that name of the applicant is mentioned in the FIR with specific role; that the medical certificated issued by the medical officer falls within the prohibitory clause.

5. I have heard learned counsel for the applicant, learned counsel for the complainant and learned APG for the State and have carefully examined the material available on record.

6. It is an admitted position that name of the applicant/accused finds place in the FIR with specific role that on the day of incident, he has beaten the complainant's son which caused injury on his left eye. Thereafter, the complainant's son was referred to the hospital for treatment and as per medical officer, injury is Shajjah-i-Hashima which falls under section 337-A(iii) PPC punishable upto ten years; hence, ocular

evidence finds corroboration with the medical evidence. Further, 161 Cr.P.C., statement of the PWs is also supporting the version of the complainant. Prima facie sufficient material is available on record to connect the applicant with commission of the alleged offence. At bail stage, only tentative assessment is to be made and deeper appreciation of evidence is not required, prima facie sufficient material is available on the record to connect the applicant/accused with the alleged offence.

7. The concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person's assertion regarding his intended arrest being actuated by mala fide on the part of the complainant party or the local police but not a word about this crucial aspect of the matter is found as no mala fide is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of 'Rana Abdul Khaliq v. The STATE and others' [2019 SCMR 1129]. Further, in addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide, it is not a substitute for post-arrest bail in every run of the mill criminal case as it seriously hampers the course of the investigation.

8. In view of the above, the applicant has failed to bring his case for further inquiry as envisaged under subsection (2) of section 497, Cr.P.C. Consequently, the interim pre-arrest bail granted by this Court to the applicant/accused vide order dated 09.01.2026 is hereby recalled and the bail application is dismissed.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE