

IN THE COURT OF ADDL. SESSIONS JUDGE-X QUETTA

Bail Application No.06/2024.
FIR No.08/2024.
P.S. Satellite Town, Quetta

1. Syed Ifikhar Agha son of Syed Shah Muhammad, R/O Munawar Colony New Hazara Town, Quetta
2. Syed Roohullah Khan son of Badshah Khan, Both sons of Abdul Manan, Resident of Alamdar Road, Quetta.

ACCUSED/APPLICANTS

VERSUS

The State

RESPONDENT

OFFENCE UNDER SECTION 337-AD, 427 & 34 P.P.C.

APPLICATION UNDER SECTION 498 CR.P.C.FOR GRANT OF PRE ARREST BAIL.

For accused/applicants: Ms.Mehak, Advocate.
For complainant: Mr. Saeed Khan, Advocate.
For State:Mr. Abdul Nafay A.D.P.P for state

ORDER.

27.02.2024.

1. Applicants/accused Syed Ifikhar Agha son of Syed Shah Muhammad and Syed Roohullah Khan son of Badshah Khan on 29th January, 2024 surrendered themselves by filing application Under Section 498 Cr.P.C of 1898 for grant of ad-interim pre-arrest bail for having been involved in case registered against them at Police Station Satellite Town, Quetta in pursuance of crime No. 08 of 2024 punishable by provision of Section 337-AD, 427 & 34 PPC of 1860, who were admitted to ad-interim pre-arrest bail and instant order governs disposal of application.

2. A brief resume of instant application is that complainant Syed Hussain Shah son of Syed Khalil Shah lodged the instant case with Police Station Satellite Town, Quetta on 26.01.2024 at about 10:00 P.M. with allegation that on 24.01.2024 at about 05:20 P.M. the complainant after



checkup from Gilani Hospital, Quetta was returning back towards home when reached at Makran Road on his vehicle bearing No.LED-1484 four persons on two motorcycles intercepted him and one of accused namely Abdul Hadi armed with baton smashed the window of his vehicle and also assaulted the complainant and he received injury. Subsequently, the present case was registered.

3. After registration of case, applicants now filed instant application which was noticed to state and complainant for arguments along with requisition of record and instant order governs its disposal.

4. Heard Ms. Mehak, Advocate for accused/applicants and Mr. Saeed Khan, Advocate for complainant and Mr. Abdul Nafay, ADPP for state and dispassionately pondered their respective arguments with utmost muse in light of relevant provision of law and material available on record.

5. After hearing the learned counsel for the accused/applicants and learned District Public Prosecutor and after going through the record of the case file. Perusal of the record reveals that accused/applicants are nominated in the F.I.R. for allegedly assaulting the complainant and also smashing his vehicle glasses with batons. The specific role of assaulting and smashing has been given to co-accused Abdul Hadi and present accused/applicant have not been assigned any specific role. Moreover, the accused/applicants also produced picture of CCTV footage showing the accused/applicant Syed Roohullah is present beside his house. The alleged incident was taken place on 24.01.2025 at 05:20 P.M. but the case was lodged on 26.01.2024 at 01:00 P.M. after delay of two days without any plausible explanation. The complainant in F.I.R. admits that there is old enmity with accused/applicants and malafide on part of prosecution cannot be ruled out. The offences alleged are bailable in nature and do not fall within ambit of prohibitory clause. Perusal of record reveals that previously an FIR No.237/2023 for offence



Under Section 337-ADF, 147 & 149 of P.P.C. has been lodged by complainant party. The instant case needs further inquiry. Thus in the circumstances mentioned above the accused/applicants are entitled for concession of bail. In this connection reliance is placed upon case law (2023 YLR Note 80), relevant limb for case is referred in below para;

"S.497---Bail---Scope---At bail stage, deeper appreciation of evidence and circumstances appearing in the case is not permitted and only tentative assessment is to be made, however, where accused satisfies the court that there are reasonable grounds to believe that he is not guilty of such offence, then the court must release him on bail".

6. As sequel to above discussion I, therefore, allow instant criminal pre-arrest bail application Under Section 498 Cr.P.C 1898 of accused/applicants Syed Ifthikhar Agha son of Syed Shah Muhammad and Syed Roohullah Khan son of Badshah Khan and confirm order dated 29th January, 2024, whereby applicants were admitted to ad-interim pre arrest bail, however, accused/applicants are directed to cooperate the investigating agency of case as and when required. Application be tagged with main file on observance of entire formalities.

Given under my hand and seal of court, this 27th day of

February, 2024.

Compared by
Section Writer


27-02-2024

Sd/-xxxxxx
(SHAHID JAVED)
ADDITIONAL SESSIONS JUDGE-X,
QUETTA


Certified to be True Copy
District & Session Judge
Article 117 of the Constitution of Pakistan 1973