

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-150 of 2026

Applicant: Nazeer Ahmed son of Suleman Chandio,
Through Altaf Hussain Chandio, Advocate.

Complainant: Through Ms. Razia Ali Zaman Patoli, Advocate.

Respondent: The State
Through Mr. Altaf Hussain Khokhar, D.P.G for State

Date of hearing: 11.05.2026
Date of decision: 21.05.2026

ORDER

Syed Fiaz ul Hassan Shah, J: Through the instant criminal bail application, the applicant Nazeer Ahmed son of Suleman Chandio seeks post-arrest bail in FIR No. 380 of 2025, registered at Police Station Kazi Ahmed, under Sections 354, 452, 504 and 34 of the Pakistan Penal Code (PPC), after his earlier bail application was dismissed by the learned trial Court, vide order dated 13.01.2026.

2. As per the First Information Report (FIR) lodged by complainant Munir Ahmed, the allegations against the applicant are that on the night of 22.11.2025, at around 0400 hours, the applicant, along with an unidentified accomplice, both armed with pistols, committed house-trespass by entering the complainant's house. It is further alleged that they dragged the complainant's cousin, Mst. Haseena, tore her clothes, and extended life threats to force the withdrawal of a previous case registered against the petitioner vide FIR No. 233/2025 under Sections 376, 452, and 506(2) PPC.

3. Learned counsel for the applicant, *inter alia*, argues that the applicant has been falsely implicated in the instant case due to deeply entrenched, admitted enmity and ongoing litigation between the parties. He highlights that the offences with which the applicant is charged do not fall within the prohibitory clause of Section 497 of the Code of Criminal Procedure (Cr.P.C.), making the grant of bail a matter of right and rule, and refusal an exception. He further contends that there is an unexplained and fatal delay of over 11 hours in lodging the FIR, which points toward deliberation and fabrication. To supplement his arguments, the learned counsel points out that despite the grave

allegations of manhandling and outraging the modesty of a woman, there is no medical certificate on record, nor have any torn clothes been secured by the police. He underscores that all the eyewitnesses are closely related to the complainant, making them interested witnesses, and no independent resident of the locality has been joined in the investigation. He concludes that the present FIR is a mere counterblast to the confirmation of the applicant's pre-arrest bail in the earlier FIR No. 233/2025, and since the investigation is complete and the applicant is no longer required for recovery, further incarceration would amount to punitive confinement before trial.

4. On the contrary learned D.P.G assisted by the counsel for the complainant, vehemently opposes the concession of bail. They argue that the applicant is specifically nominated in the FIR with a heinous and specific role of night-time house-trespass and outraging the modesty of a woman within the four walls of her home. They contend that the applicant grossly misused the concession of pre-arrest bail granted to him in the earlier rape case (FIR No. 233/2025) by immediately targeting and threatening the exact same victim. They submit that such conduct disqualifies the applicant from discretionary relief under Section 497 Cr.P.C., as his release would inevitably lead to the intimidation of witnesses, tampering with prosecution evidence, and potential repetition of the offence.

5. I have carefully heard the arguments advanced by both sides and tentatively evaluated the material available on the record.

6. There is no cavil to the proposition that the offences under Sections 354 and 452 504 PPC do not fall within the ambit of the prohibitory clause of Section 497 Cr.P.C. In such cases, the grant of bail is an established rule and refusal is an exception, which can only be justified if exceptional, extraordinary, or adversarial circumstances exist on record.

7. A bare perusal of the police file reveals that despite the specific allegation that the applicant dragged the victim and tore her clothes, the prosecution has failed to produce any medical evaluation, injury report, or even a police memo securing the allegedly torn clothing. The absence of such corroborative physical evidence at this stage seriously clouds the prosecution's ocular narrative and reduces the case to one of oral assertions against oral denials, which falls squarely within the domain of **further inquiry** as contemplated under sub-section (2) of Section 497 Cr.P.C.

8. Furthermore, the history of bitter litigation and the existence of a prior criminal case (FIR No. 233/2025) between the parties are admitted facts. While the complainant side views the present occurrence as a continuous pattern of harassment, the defence's plea that this subsequent FIR is a retaliatory counterblast to the confirmation of the applicant's pre-arrest bail cannot be brushed aside lightly. The deep-rooted enmity

between the parties, coupled with the fact that all named eyewitnesses are inter-se related and no independent witness from the vicinity has been cited, makes the question of malicious intent and false implication a matter to be determined definitively by the trial court after recording evidence. Likewise, the delay of approximately half an hour in reporting an incident occurring within a populated area, without any plausible explanation offered in the FIR, further creates a noticeable dent in the sanctity of the prosecution's initial story, the benefit of which must reasonably extend to the accused even at the bail stage.

9. The challan has already been submitted before the trial Court, and the Applicant is no longer required for investigation. Consequently, no useful purpose would be served by keeping the Applicant incarcerated for an indefinite period during trial. The Prosecution has not expressed any apprehension that the Applicant, if released, would cause damage to or tamper with the prosecution's evidence. Furthermore, no circumstances have been highlighted to suggest that any exceptions to the settled principles, as laid down in case law, are applicable here. In the present facts and circumstances, where investigation stands concluded, challan has been filed, and there is neither any prior conviction nor any apprehension of absconding, it does not appear that continued incarceration of the Applicant would advance the cause of justice.

10. In above peculiar circumstances, the "golden principle" of criminal justice that while the conviction of a guilty person may ultimately remedy an erroneous grant of bail, no adequate reparation can ever be afforded to an innocent individual for unjustified incarceration, if an acquittal is eventually secured is attracted based on the principle, first enunciated in ***Manzoor v. The State (1972 PLD SC 81)*** and has still been consistently followed by Courts. light of this jurisprudence, the applicant is accordingly extended the concession of post arrest bail in the sum of Rs.50,000/-, with a P.R. bond in the like amount, to the satisfaction of the learned trial Court.

11. Needless to observe that any finding recorded herein-above are tentative in nature for the purpose of deciding this bail application, and the trial Court will not be influenced with it and will try the case in accordance with law.

J U D G E