

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3582 of 2025

Applicant : Mst. Maria, Through: M/s. Amir Pervaiz Kayani and Muhammad Naeem Khan, advocates

Complainant : Zeeshan Abbasi, Through: Mr. Maroof Hussain Hashmi, advocate

The State : The State: Through: Mr. Ibrar Ali Khichi, A.P.G., Sindh

Date of hearing : 17.03.2026

Date of Order : 17.03.2026

ORDER

Jan Ali Junejo, J:-- Through this order, I intend to decide the instant post-arrest bail application filed by the applicant/accused Mst. Maria, who seeks her release in case FIR No. 357/2024, registered at P.S. Bahadurabad, Karachi, for offences punishable under Sections 302/34 PPC read with Sections 109/114 PPC, after dismissal of her bail application by the learned Sessions Judge Karachi-East vide order dated 12.08.2025.

2. As per contents of the FIR, the complainant Zeeshan Abbasi lodged the report on 09.12.2024 stating that his brother Adnan Abbasi was shot dead by unknown armed persons near Al-Haram Apartments, Adamjee Nagar, Karachi, when he was returning home with his wife (present applicant) and children on a motorcycle. The FIR reveals that the complainant is not an eye-witness and the incident was reported to him through telephonic information. The role of unknown assailants was initially alleged; however, during investigation, the present applicant was implicated on the basis of

alleged illicit relations with co-accused Bilal and purported involvement in a conspiracy leading to the murder of her husband.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in this case with mala fide intention. He argued that the FIR was lodged against unknown persons and the name of the applicant surfaced later during investigation on the basis of inadmissible disclosure statements of co-accused. It was further argued that the case of the prosecution is based on circumstantial evidence, including alleged CDR and forensic data, which is yet to be proved. He emphasized that the complainant is not an eye-witness and there is unexplained delay in lodging the FIR. Learned counsel further submitted that the applicant is a woman, widow, and mother of minor children, thus entitled to concession of bail under settled principles of law. He lastly prayed that the case falls within the ambit of further inquiry under Section 497(2) Cr.P.C. and requested for grant of bail.

4. Conversely, learned counsel for the complainant vehemently opposed the grant of bail and argued that the applicant is directly involved in the commission of offence, having conspired with co-accused Bilal to eliminate the deceased. He submitted that sufficient material has been collected during investigation, including call data record, geo-fencing, and photographs showing connection between the applicant and co-accused. He further argued that the offence is heinous in nature involving premeditated murder, therefore, the applicant does not deserve any leniency and her bail application is liable to be dismissed.

5. Learned Additional Prosecutor General also opposed the bail application and adopted the arguments advanced by learned counsel for the complainant. He submitted that the applicant remained in contact with co-accused prior to the incident and played an active role in planning the murder. He contended that sufficient incriminating material is available on record connecting the applicant with the offence. He prayed for dismissal of the bail application.

6. I have considered the arguments advanced by the learned counsel for the parties at length and have perused the record with their able assistance. On a tentative assessment of the evidence available on record, it appears that the FIR was admittedly lodged against unknown persons, and the applicant's name did not figure therein as an accused. Rather, she was initially cited as an eyewitness and a victim who herself narrated the incident to the police through the complainant. Her implication as an accused emerged subsequently during the course of investigation. Prima facie, no direct evidence is available on record connecting the applicant with the commission of the alleged offence. The entire prosecution case against her rests upon circumstantial evidence, CDR data, alleged photographs, geo-fencing reports, and forensic material, all of which are yet to be proved through due process of law at trial. A central plank of the prosecution case is the disclosure statement of co-accused Bilal. It is a well-settled principle of law that a disclosure made by a co-accused before the police carries no evidentiary value unless corroborated by independent and legally

admissible evidence. This principle stands fortified under Articles 38 and 39 of the *Qanun-e-Shahadat Order, 1984*, which render such statements inadmissible as substantive evidence. It further appears that no statement of co-accused Bilal under Section 164 Cr.P.C. was recorded before a Magistrate, which significantly diminishes the evidentiary worth of the alleged disclosure. The prosecution has relied upon CDR data, geo-fencing records, photographs, and forensic material; however, these are matters requiring deeper appreciation through full-fledged trial proceedings. At the bail stage, the Court cannot conclusively determine the authenticity, reliability, or admissibility of such material. Likewise, the alleged motive, namely, an illicit relationship and a desire to marry co-accused Bilal, appears tentative and unsubstantiated at this stage, requiring proof through cogent and reliable evidence at trial. It is also a matter of record that the applicant is a widow and the mother of two minor children. The proviso to Section 497 Cr.P.C. extends a concession of bail to a female accused. The welfare of minor children, who stand deprived of their mother's care, particularly after the loss of their father, constitutes an equitable consideration supplementing the legal grounds for grant of bail. The question as to whether the applicant participated in any conspiracy, as well as the authenticity and evidentiary value of the CDR data, geo-fencing records, forensic material, and photographs, are all issues calling for further inquiry within the meaning of Section 497(2) Cr.P.C. Where reasonable grounds exist for believing that the accused may not be guilty and the matter warrants deeper probe, the grant of bail becomes a matter of right rather than mere discretion. It has also

been pointed out that the final challan has already been submitted before the trial Court, indicating that the applicant is no longer required for custodial interrogation or further physical investigation. This factor, too, weighs in favour of granting bail, as continued detention would serve no useful investigative purpose.

7. For the foregoing reasons, the instant bail application is allowed. The applicant Mst. Maria is admitted to post-arrest bail in the sum of Rs. 200,000/- (Rupees Two Lacs only) with PR bond in the like amount to the satisfaction of the learned trial Court. It is, however, clarified that all observations hereinabove are purely tentative and confined to the adjudication of the present bail application. Nothing stated in this Order shall be construed as an opinion on the merits of the case, and the trial Court shall proceed independently, uninfluenced by any observations contained herein. These are the detailed reasons for the short order dated 17.03.2026.

JUDGE