

**IN THE HIGH COURT OF SINDH, CIRCUIT
COURT, HYDERABAD.**

Criminal Bail Application No.S-491 of 2025

Applicant : Mst. Zubaida through Mr. Asghar Ali Brohi, Advocate.

Respondent : The State through Mr. Nazar Muhammad Memon A.P.G. Sindh along with Inspector/I.O. Inspector Hadi Bux PS Tando Adam.

Complainant : Ali Muhammad Khoso present in person.

Date of hearing : 02.06.2025.

Date of Order : 02.06.2025.

O R D E R.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Mst. Zubaida seeks post-arrest bail in Crime No.431/2024, registered at Police Station Tando Adam City for the offence under section 295-B, 295-C, 109 PPC. Earlier the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-II, Tando Adam vide order dated 14.04.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the instant matter with *mala fide* intent, stemming from ulterior motives and personal enmity. He asserts that the contents of the FIR, on their face, appear to be fabricated, contrived and the result of an afterthought. It is further contended that the alleged incident is not supported by any direct evidence or eyewitness account; rather, the complainant has allegedly concocted a baseless narrative. According to the FIR, it was purportedly reported by certain female individuals that the applicant

committed the act of desecrating the Holy Quran by setting it on fire. However, none of these individuals have been named in the FIR, nor were their statements recorded during the course of investigation by the Investigating Officer, thereby casting serious doubt upon the credibility of the allegations.

4. Learned counsel further submits that, as per the site memo of the place of occurrence, no incriminating material or any burned pages of the Holy Quran were recovered, which materially weakens the primary allegation against the applicant. He further argues that the complainant has exploited the prevailing circumstances to falsely implicate the applicant and her husband in light of an existing familial dispute. It is also submitted that in the complainant's subsequent statement recorded under Section 162 Cr.P.C. on 04.12.2024, co-accused Noor Hassan Khoso was exonerated, thereby raising serious concerns regarding the impartiality and selectiveness of the investigation. Counsel maintains that all prosecution witnesses are closely related, interested and have been set up, thereby eliminating the possibility of the applicant tampering with the prosecution evidence. He also points to an unexplained delay of approximately four hours in lodging the FIR, which further diminishes its credibility. In view of the foregoing, learned counsel prays that the applicant be granted post-arrest bail.

5. Conversely, the learned Additional Prosecutor General, Sindh, has opposed the bail application, contending that the applicant has been specifically nominated in the commission of the offence.

6. The complainant appeared in person and sought time to engage legal counsel. Upon being questioned regarding the basis of the allegations, he admitted that he did not witness the incident firsthand but was informed by his son. He further conceded that, apart from this information, he possesses no additional evidence in support of the allegations.

7. Heard and perused the record.

8. As per the prosecution's version, the complainant was informed by his son, Asad Ali, that the wife of Khan Muhammad

Khoso, namely Mst.Zubaida Khoso (the applicant), had allegedly set the Holy Quran on fire at her residence. Acting upon this information, the complainant proceeded to the applicant's house, where certain womenfolk purportedly handed over some partially burnt pages of the Holy Quran to him, claiming that the applicant was responsible for setting them ablaze.

9. It is an admitted position that the complainant did not witness the incident himself and during proceedings before this Court conceded that he possesses no direct evidence except the information received from his son, Asad Ali. Moreover, although the FIR alleges that the complainant was informed of the incident by unnamed women, none of these individuals have been specifically identified in the FIR, nor have their statements been recorded by the Investigating Officer during the investigation. This material omission substantially undermines the credibility of the prosecution's version. The failure to examine the individuals who allegedly reported the offence creates a *prima facie* doubt in the prosecution's case. Upon a tentative assessment of the available material on record, it appears that the case against the applicant/accused is not free from reasonable doubt. Additionally, the memo of the place of incident does not indicate the recovery of any burnt pages of the Holy Quran or any other incriminating article, thereby further weakening the primary allegation. These cumulative factors warrant deeper scrutiny at the trial and cast reasonable doubt on the applicant's alleged involvement. The learned counsel for the applicant also pleaded that due to matrimonial dispute the applicant has been involved in this case.

10. While the alleged offence is undoubtedly grave and touches upon matters of religious sensitivity, the seriousness of the charge alone cannot serve as a ground for denial of bail in the absence of cogent and reliable evidence. The prosecution's case suffers from material inconsistencies and omissions. Furthermore, the complainant's subsequent statement, wherein he exonerates co-accused Noor Hassan Khoso, raises additional concerns regarding the fairness and impartiality of the investigation.

11. In view of the whole of circumstances, the case of the applicant requires further inquiry within the meaning of subsection (2) of Section 497 Cr.P.C. It is settled law that grant of bail is a rule and refusal is an exception. At the bail stage, only a tentative assessment is required and a deeper appreciation of evidence is not warranted. The applicant/accused is in jail she is no more required for further investigation, her further detains will not improve the case of prosecution.

12. Accordingly, the instant bail application is **allowed**. The applicant/accused Mst. Zubaida is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) and a personal bond in the like amount to the satisfaction of the learned trial Court.

13. Needless to mention that the observations made hereinabove are purely tentative in nature and shall not prejudice the case of either party during trial.

JUDGE