

IN THE HIGH COURT OF SINDH AT KARACHI

Present

Mr. Justice Dr. Syed Fiaz ul Hassan Shah

Criminal Bail Application No.1861 of 2025

Applicant : Mah-Rukh D/o Abdul Basit Qureshi
through Mr. Muhammad Asif, Advocate

Complainant : Qurat-ul-Ain D/o Jamil Ahmed
through Mr. Basam Ali Dahri, Advocate

Respondent : The State
through Ms. Rahat Ahsan, Addl. P.G.

Date of hearing : 29.09.2025

Date of order : 29.09.2025

ORDER

Dr. Syed Fiaz Ul Hassan Shah, J. - Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.179/2025 for offence under Section 336-B PPC registered at PS Johrabad, Karachi. Her bail plea has been declined by the learned II-Additional District Judge, Karachi Central [Trial Court] vide order dated 14.07.2025.

2. The facts are incorporated in the FIR and impugned and do not need to be reproduced for the purposes of deciding the bail application.

3. It is contended by the counsel for the applicant that the applicant is 63 years old lady having been behind the bar since May, 2025 in an alleged incident of acid thrown upon a victim who is also a woman, who has not suffered with any disability or loss of any organ or damage. He further contends that victim/complainant is residing in the same vicinity and due to neighbourhood issues, instant FIR was lodged which is supported by the relatives of the applicant due to family disputes.

4. On the other hand, the victim has appeared in person and stated that she has No Objection for grant of bail; while her counsel

appearing on *pro bono* states that this is a normal fashion where bails are being granted on the basis of No Objection given by the victims; although it is a heinous crime and the punishment provided under the law is not less than 14 years and due to this frequent grant of bails, there is a sharp rising in identical offence. Learned Addl. P.G. has strongly opposed for grant of bail and states that victim has recorded her 161 Cr.P.C. statement.

5. I have heard the learned counsel for the parties and with their able assistance perused the record.

6. I have noted that out of nine independent witnesses, only one PW-Mst. Shabana has stated that acid has been thrown in her presence; however, her name has not been given by the victim in the FIR which raises serious questions about the credibility of prosecution witnesses which at this stage cannot be decided and it can only be decided at the time of recording of evidence by the trial Court. Besides this, neither any recovery has been made nor any justification has been given. Even in the charge sheet, the column No.5 of the challan is also blank about the recovery of bottle of acid by the applicant or clothes of the victim. For tentative assessment, only the evidence of victim Mst. Qurat-ul-Ain is available, however, she is present in Court has already extended her No Objection; ultimately she being the victim is a star witness before the trial Court and in such view of noncooperation with prosecution, the only legal way for prosecution is available to declare the victim as a hostile witness during trial as such the objection of learned counsel for the complainant is rejected. Under the proviso of Section 497(I) Cr.P.C., special treatment for a woman or a child under the age of 16 is provided in terms of Article 25(2) of the Constitution of Pakistan, 1973.

7. This principle has been consistently recognized and developed by the Superior Courts of Pakistan, which have emphasized the doctrine of *tentative assessment*—a judicial tool that enables courts to evaluate the sufficiency of material available at the bail stage without delving into conclusive findings. Each case must be assessed independently, with due regard to its peculiar facts and

circumstances. The Challan has been submitted before the trial and the Applicant is no more required for investigation. Therefore, no fruitful purpose would be achieved while to keep the Applicant into incarceration for an indefinite period of trial. Even the case is based on documentary evidence in shape of cheques, banks record and the Prosecution has no apprehension that the Applicant, if he is released, he might be damaged or tamper with the prosecution's evidence. The Prosecution has not highlighted circumstances, which would indicate that any exceptions to the aforesaid rule as per the said case laws apply in the present case. Under the facts and circumstances of the case in hand, when an investigation has been completed and challan has been submitted before the trial Court, the Applicant in case, he is freed, he cannot tamper with the prosecution evidence nor is there any prior conviction and no apprehension of absconding has been expressed at all. It does not appear that the Applicant's incarceration would serve the cause of justice.

8. The jurisprudence governing the grant of bail is fundamentally anchored in the principle of reasonableness, requiring a tentative assessment of each case on its own merits and factual matrix. This assessment is not merely procedural but is informed by the broader analogy that, should the accused ultimately be acquitted after prolonged trial proceedings, the criminal justice system does not provide any statutory mechanism for reparation or compensation for the extended period of incarceration endured under unproven charges. It is, therefore, legally and morally untenable to keep an accused person incarcerated indefinitely while awaiting the conclusion of trial, especially when such proceedings may culminate either in conviction or acquittal. In the latter scenario, the absence of statutory remedies for wrongful or prolonged detention underscores the necessity of bail as the only viable safeguard against irreparable harm.

9. In view of the above, instant bail application is allowed. Accordingly, **applicant Mah-Rukh D/o Abdul Basit Qureshi** is granted post-arrest bail subject to furnishing solvent surety in the

sum of Rs.100,000/- [rupees one lac] each and P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the trial Court, which shall decide the case strictly on its merits and in accordance with law.

JUDGE

Kamran/PS