

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2841 of 2025

Irfan son of Qamaruddin.....Applicant/Accused

Versus

The State.....Respondent

Date of Hearing : 06.11.2025

For the Applicant : Mr. Imdad Ali Sahito, Advocate.

For the complainant : Complainant is present in person.

For the State : Mr. Muhammad Noonari, D.P.G.

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ORDER

TASNEEM SULTANA, J: Through the instant Criminal Bail Application, the applicant seeks post-arrest bail in Crime No.362 of 2025 registered at Police Station Brigade, Karachi, under sections 322 and 34 PPC.

2. Brief facts of the prosecution case are that the complainant lodged the report alleging that on 01.09.2025 his brother Usman Ali ended his life by committing suicide, and prior to the incident he had posted a message on social media titled “Goodbye World.” In the said post, the deceased stated that for several months he had been under mental stress, that certain persons including the present applicant Irfan (lift operator) together with Hassan of Hi-Tech Lifts and Talha had been harassing and blackmailing him over lift-maintenance payments, and that they had misused the lift-control passwords to exert pressure upon him. The complainant claimed that because of such harassment and humiliation his brother was compelled to take the extreme step of suicide. On the basis of the said allegations, the present FIR No. 362 of 2025 was registered at Police Station Brigade, Karachi under sections 322/34 PPC against the accused persons named therein.

3. Learned counsel for the applicant contended that the allegations are false, misconceived, and based on suspicion alone. It was argued that the so-called suicide note relied upon by the prosecution cannot be treated as a contemporaneous statement within the meaning of law because the post was uploaded at 9:02

a.m., subsequent to the suicide, whereas the metadata shows 7:31 a.m., thus its authenticity and timing are doubtful. It was further submitted that the applicant is a poor lift operator having no enmity with the deceased; that the dispute, if any, was professional in nature and has since been amicably settled; that the complainant has filed a sworn affidavit and statement dated 06.11.2025 expressing no objection to the grant of bail and confirming that the matter has been resolved through the intervention of respectable persons; that the offence under section 322 PPC does not fall within the prohibitory clause; that no mala fide or ulterior motive is discernible; and that the applicant is no more required for investigation.

4. Conversely, the learned Deputy Prosecutor General opposed the grant of bail, though he did not dispute the filing of the complainant's affidavit of no-objection.

5. Heard. Record perused.

6. From a tentative assessment of the record, it appears that the prosecution case rests substantially on the social-media post allegedly made by the deceased, the timing and genuineness of which are seriously disputed and require forensic determination at trial. No independent material has been produced to show direct instigation, abetment, or intentional aiding of the suicide by the present applicant. The surrounding circumstances suggest a dispute regarding lift maintenance, subsequently resolved between the parties. The complainant's unequivocal affidavit and statement disowning mala fide and raising no objection to bail further reduce the probability of false implication. The alleged offence under section 322 PPC being outside the prohibitory clause, further inquiry within the contemplation of section 497(2) Cr.P.C. is evident. When the case calls for further inquiry into guilt of accused within the meaning of Section 497(2) Cr.P.C., the accused is entitled to bail as of right. Reliance is placed on the case of *Salman Mushtaq & others v. The State through P.G Punjab and another* (2024 SCMR 14) wherein Hon'ble Supreme Court has held as under:-

6.While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in

support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.....

7. Accordingly, the applicant is admitted to post-arrest bail subject to her furnishing solvent surety in the sum of Rs.500,000/- (Rupees Five Hundred Thousand only) and a personal bond in the like amount to the satisfaction of the trial Court.

8. These observations are tentative in nature, confined to the disposal of this bail application, and shall not prejudice the case of either party at trial.

JUDGE

Ayaz Gul