

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr Bail Appln. No. S-954 of 2025

Applicant : Muhammad Faisal s/o Muhammad Moosa
Through M/s Syed Israr Shah, Muhammad Uzair Shaikh, Advocates

Complainant : Hafiz Muhammad Zaman s/o Hafiz Ghulam Muhammad
Through Mr. Abdullah Brohi, Advocate

The State : *Through Mr. Muhammad Raza Katohar, DPG*

Date of hearing : 19.02.2026

Date of order : 27.02.2026

ORDER

KHALID HUSSAIN SHAHANI, J.— The applicant, Muhammad Faisal, seeks the concession of post-arrest bail in respect of Crime No.70 of 2025, for offence under section 295-C, Pakistan Penal Code, 1860, registered at Police Station S.I.R.S, Sukkur, his earlier request having been declined by the learned Additional Sessions Judge-V, Sukkur, vide order dated 21.07.2025

2. Succinctly, the prosecution alleges that on 29.04.2025 at about 20:30 hours, subsequent to the conclusion of prayers at Muhammad Bin Qasim Mosque, the complainant claims to have heard the applicant utter “derogatory/abusive remarks” concerning the Holy Prophet (peace be upon him); hue and cry is stated to have ensued, some persons allegedly apprehended the applicant at the spot and, thereafter, the FIR was lodged the same night.

3. Learned counsel for the applicant has canvassed, with considerable emphasis, that the substratum of the prosecution case is *ex facie* vague and generalized: the FIR neither reproduces the exact words said to constitute blasphemy, nor discloses to whom such words were addressed, in whose presence they were articulated, or what the precise

immediate context was, notwithstanding the allegation that the occurrence took place at or near a public place at a time when a number of persons were present. It is further urged that no independent, neutral or reputable person of the locality has been arrayed as a witness, despite the alleged public character of the occurrence.

4. It is next submitted that the applicant is a person with a documented psychiatric history: the treatment record and discharge card of Sir C.J. Institute of Psychiatry & Behavioral Sciences, Hyderabad, together with correspondence of a competent medical board, *prima facie* reveal that the applicant had remained under psychiatric care, was prescribed psychotropic medication and exhibited behavioural disturbance, which squarely impacts the element of *mens rea* and the voluntariness or deliberateness of any utterance attributed to him at this stage. Learned counsel has also adverted to the delay of about three hours in setting the law in motion and has alleged prior enmity and discord, and on the cumulative touchstone of these factors has entreated that the case, at the very least, attracts the beneficial jurisdiction of “*further inquiry*” within the contemplation of section 497(2) Code of Criminal Procedure, 1898. Learned counsel placed his reliance on (2025 P.Cr.L.J 1412), (2019 PLD SC 64) and (2021 YLR 125).

5. Conversely, the learned DPG, representing the State has opposed the bail, premising his objection principally on the seriousness and sensitivity of the allegation under section 295-C PPC, and contending that, at the bail stage, the Court ought not to embark upon a deeper or microscopic evaluation of the evidence. Learned counsel for the complainant has adopted the stance of the prosecution.

6. I have heard the learned counsel for the parties and have undertaken a tentative scrutiny of the available material, which is the settled and circumscribed paradigm at the bail stage, the Court being astute not to pre-judge the merits of the matter destined for trial.

7. There can be no cavil that the offence under section 295-C PPC is a grave and heinous allegation carrying severe penal consequences; nonetheless, it is equally well entrenched in our jurisprudence that bail is not to be withheld as a measure of anticipatory punishment, nor can the mere severity of the charge, in isolation, eclipse foundational deficiencies in the prosecution's material or obliterate doubts legitimately arising therefrom. The doctrine of "reasonable grounds" and its converse, "*further inquiry*", embedded in section 497 Cr.P.C, has repeatedly been described by the Honorable Apex Court as a notional, provisional and exploratory assessment, and where the material does not pass the threshold of "reasonable grounds" but generates doubt, the accused is entitled to bail under section 497(2) Cr.P.C, notwithstanding the harshness of the statute invoked.

8. In the case at hand, the allegation in the FIR is conspicuously broad and non-specific: while it adverts to derogatory language about the Holy Prophet (peace be upon him), the FIR does not reproduce the exact impugned words, nor does it delineate with precision the audience, the immediate context, or the factual matrix within which such words are alleged to have been uttered. Such omission, at this stage, cannot be relegated to a technicality; it goes to the very heart of whether the incriminating assertion is sufficiently definite and particularized to cross the statutory bar of "reasonable grounds", or whether, conversely, it is of such indeterminate character that its veracity, meaning and legal import

must be tested only after a full-dress trial, on recorded evidence, with the benefit of cross-examination.

9. Equally weighty is the medical material available in police papers. The record from Sir C.J. Institute of Psychiatry & Behavioral Sciences, Hyderabad, including the discharge card and medical-board related correspondence, shows that the applicant had been admitted for psychiatric treatment, was advised psychotropic medication and manifested behavioural symptoms compatible with a disturbed psychiatric background. Even assuming, *arguendo*, that a medical board may presently opine upon his competency to understand proceedings, the admitted history of psychiatric illness, reflected in the same documents, cannot be excluded from consideration at the bail stage, as it furnishes a rational basis to doubt the element of deliberate, intentional and voluntary commission of the act alleged; this aspect is intrinsically a mixed question of law, fact and medical testimony, and is more appropriately adjudicated after the parties have led their respective evidence at trial rather than being conclusively presumed against the accused at the interlocutory stage.

10. The FIR itself indicates that the applicant was allegedly apprehended at the spot, and the edifice of the prosecution case substantially rests upon oral assertions of the complainant and other partisan witnesses, without the association of disinterested inhabitants of the locality, despite their availability in a mosque setting. The non-citation of such independent witnesses, in circumstances where they were naturally available, together with the pointed reliance on interested testimony, are circumstances which, when seen conjointly with the non-reproduction of the exact words and the applicant's psychiatric history, generate debatable questions necessitating full appraisal at trial

and, for present purposes, legitimately attract the doctrine of further inquiry.

11. It also emerges that the FIR was lodged after a delay of about three hours from the time of the alleged occurrence; although not inordinate in itself, this delay, in the peculiar setting of an emotionally charged blasphemy allegation arising out of a mosque congregation, cannot be entirely discounted from the calculus of doubt, particularly when examined in tandem with the plea of prior enmity and the absence of neutral corroboration. The law does not countenance that, under the garb of religious sentiment, the safeguards embedded in criminal procedure and the presumption of innocence be rendered nugatory.

12. The Honorable Supreme Court has consistently held that personal liberty enjoys a high constitutional pedestal under Articles 9 and 10-A of the Constitution, and that statutory restrictions on bail, however stringent, must be construed in a manner that preserves, rather than annihilates, fundamental rights, while the doctrine of further inquiry serves as a vital constitutional safety-valve in the bail framework. It has likewise been reiterated that the gravity of the charge, by itself, is not a stand-alone ground to deny bail where the nature of the evidence and the surrounding circumstances engender doubt regarding the correctness, completeness or reliability of the accusation, and that the object of bail is to secure attendance at trial, not to impose a pre-trial penalty.

13. In this tentative backdrop, and without in any manner trenching upon the merits which shall be examined by the trial Court independently on the evidence adduced, I am persuaded that the present case, at the very least, falls squarely within the ambit of “further inquiry” contemplated by section 497(2) Cr.P.C. The material on record does not,

at this stage, inspire the level of confidence that would justify the continued incarceration of the applicant as an under-trial prisoner in a case where serious questions exist regarding the precision of the allegation, the mental state of the accused and the evidentiary structure of the prosecution.

14. Consequently, this Criminal Bail Application is allowed. The applicant/accused, Muhammad Faisal, is admitted to bail in the aforesaid crime, subject to his furnishing solvent surety in the sum of Rs.2,00,000/- (Rupees two hundred thousand only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

15. It is clarified, *ex abundanti cautela*, that all observations made herein are purely tentative, confined to the bail stage, and shall not prejudice either party nor fetter the discretion of the trial Court in the evaluation of evidence and determination of guilt or innocence at the culmination of the trial.

J U D G E