

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Appln. No. 3213 of 2025

Applicants : Muhammad Nadeem & Nasar Nadeem
through Ch. Muhammad Yasin, Advocate.

Complainant : Through Mr. Muhammad Yasir, Advocate.

Respondent : Through Mr. Abrar Ali Khichhi, Addl. P.G. Sindh

Date of hearing : 25.3.2026.

Date of order : 25.3.2026.

ORDER.

TASNEEM SULTANA, J : – Through this Criminal Bail Application, the applicants Muhammad Nadeem and Nasar Nadeem seek pre-arrest bail arising out of FIR No. 262 of 2025 registered at Police Station PIB Colony, Karachi, for offences punishable under Sections 354, 452, 34 P.P.C. Having been rejected their earlier Cr. Bail Appln. No.2885 of 2025 by the learned IVth Additional Sessions Judge, Karachi East, vide order dated 28.06.2025, and thereafter their interim pre-arrest bail granted by this Court in Criminal Bail Application No. 1721 of 2025 having been recalled and the same dismissed for non-prosecution vide order dated 17.11.2025, hence this application for the same concession.

2. Brief facts of the prosecution case are that on 19.06.2025 the complainant Mst. Ayesha Noor, alongwith her mother and friends, after attending a marriage ceremony, upon reaching in the street near her house, a girl namely Aleena allegedly abused her, which resulted in a quarrel that was subsequently settled amicably; thereafter, at about 12:30 hours, neighbourhood boys namely Nasar Nadeem, Muhammad Nadeem and Bakhto allegedly knocked at the door of her house and forcibly entered therein, whereafter they abused her and her mother Mst. Rehana and started misbehaving, due to which she sustained an injury on her right eye; it is further alleged that during the quarrel her purse and chain went missing in the street, and she attributed the act to the accused, whereupon leading to the above facts present FIR was lodged.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated in the present case; that the principal allegation of abusing the complainant is attributed to a lady namely

Aleena, with whom the applicants have no nexus or relation; that the applicants have been assigned a general and omnibus role; that despite the alleged occurrence having taken place inside the house, no male member of the complainant's family, though natural witnesses, has been cited in support of the prosecution case; that there is delay in lodgment of the FIR without any plausible explanation; that the allegation regarding loss of purse and gold chain is vague, as neither the amount nor the weight has been specified; that the applicants are father and son and respectable residents of the locality, and affidavits of mohalla residents have been placed on record in their support; and that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C. He, therefore, prayed for confirmation of interim pre-arrest bail.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposed the grant of pre-arrest bail and contended that the applicants are specifically nominated in the FIR with assigned roles; that they forcibly entered into the house of the complainant and misbehaved with her and her mother, causing injury; that the offence alleged is serious in nature, involving intrusion into the house and outrage of modesty; and that no mala fide or ulterior motive has been demonstrated so as to justify the extraordinary relief of pre-arrest bail. They, therefore, prayed for dismissal of the bail application.

5. Heard. Record perused.

6. It appears from the record that the applicants, who are father and son, have been nominated in the FIR with an allegation of having entered into the house of the complainant and causing injury on her right eye. Perusal of the FIR shows that the allegation of abusing the complainant primarily originates from an earlier dispute involving a lady namely Aleena, and the connection of the present applicants with such aspect is not clearly set out at this stage. Moreover, despite the alleged occurrence having taken place inside the house, no other inmate of the house has been cited in support of the prosecution case, which prima facie creates doubt.

7. The allegation regarding loss of cash and a gold chain during the quarrel in the street is also without specific particulars, inasmuch as neither the amount nor the weight of the said articles has been mentioned. The affidavits of mohalla residents, though not conclusive, have been placed on record and require appreciation at trial. So far as the nature of offences is concerned, the punishment provided under Sections 354 and 452, P.P.C. does not bring the case within the prohibitory clause of Section 497, Cr.P.C.

In the present case, the nature of allegations, absence of supporting material from within the house, and the circumstances discussed above, on tentative assessment, bring the matter within the ambit of further inquiry within the meaning of Section 497(2), Cr.P.C.

8. Consequently, the interim pre-arrest bail granted to the applicants vide order dated 21.11.2025 is confirmed on the same terms and conditions.

9. These are the reasons for my short order dated 25.03.2026.

JUDGE

Nadeem