

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 3577 of 2025

Applicants : Chand Sajjad Masih and Amanat Anjum @ Amonal, through Mr. Imtiaz Ali Langah Advocate.

Complainant : Mst. Kiran through Mr. Muhammad Sabir Advocate.

Respondent : The State through Mr. Muhammad Noonari, D.P.G.

Date of hearing : 06.05.2026.

Date of order : 06.05.2026.

ORDER

TASNEEM SULTANA, J:— Through this criminal bail application, the applicants/accused namely Chand Sajjad Masih and Amanat Anjum alias Amonal seek post-arrest bail arising out of FIR No.276 of 2025 registered under Sections 302 & 34 PPC at Police Station Ittehad Town, Karachi. Earlier, Criminal Bail Application No.3750 of 2025 was dismissed for non-prosecution by the learned Sessions Judge Karachi (West), vide order dated 06.08.2025. Thereafter, another Criminal Bail Application No.3897 of 2025 filed before the learned Sessions Judge Karachi (West) was withdrawn/not pressed vide order dated 12.08.2025 as the challan had not yet been submitted and the matter at that stage was premature. Subsequently, after submission of challan, the applicants again approached the learned trial Court through Criminal Bail Application No.5317 of 2025, which was declined by the learned 2nd Additional Sessions Judge Karachi (West) vide order dated 30.10.2025, hence this application for the same concession.

2. The brief facts of the prosecution case, as alleged in the FIR, are that complainant Mst. Kiran stated that on 12.05.2025 she was present at Civil Hospital Burns Ward where her brother Arthur, who was under treatment, disclosed to her that on 07.05.2025 he had received a call from his wife asking

him to come to her mother's house situated at Baldia Town. Thereafter, he went there along with his minor daughter and upon entering the house, his in-laws including the present applicants allegedly poured petrol upon him and set him on fire. It was further alleged that the injured informed the complainant before his death that his in-laws were responsible for the occurrence. On the basis of such allegations, the instant FIR came to be lodged on 20.06.2025.

3. Learned counsel for the applicants contends that the applicants are innocent and have falsely been implicated in the present case with mala fide intention; that there is considerable and unexplained delay in registration of FIR as the alleged occurrence took place on 07.05.2025 whereas the FIR was lodged on 20.06.2025; that the earliest version of the occurrence including the first Roznamcha entry and video recording conducted by SIP Yaqoob Ali Magsi on 07.05.2025 does not support the prosecution allegation against the applicants; that the subsequent versions attributed to the deceased are materially contradictory to the initial version; that the statements of witnesses recorded under section 161 Cr.P.C. do not support the prosecution case against the applicants; that the Investigating Officer after conducting investigation recommended disposal of the case in Class "C"; and lastly prayed for grant of post-arrest bail to the applicants.

4. Conversely, learned D.P.G. assisted by learned counsel for the complainant opposes the concession of bail; submits that the applicants are specifically nominated in the FIR with specific roles; that apart from the later video statement recorded on 12.05.2025 allegedly through the sister of the deceased, there is also a written application dated 12.05.2025 purportedly bearing thumb impression/signature of deceased and addressed to I.G.P. wherein the deceased directly implicated his in-laws including the present applicants in the commission of offence; that the Punjab Forensic Science Authority report confirmed that no editing or tampering was detected in the video files; and lastly argued that the offence falls within the prohibitory clause of section 497 Cr.P.C., therefore, the applicants do not deserve concession of post-arrest bail.

5. I have heard learned counsel for the applicants, learned counsel for the complainant as well as learned D.P.G. and have gone through the available material on record with their able assistance.

6. Tentative assessment of the record reflects that the prosecution case rests mainly upon subsequent statements allegedly made by deceased Arthur/Orther after the occurrence, whereas the earliest version available on

record materially differs from the later allegations. Perusal of the record reflects that immediately after the incident dated 07.05.2025, the police recorded video statement of the deceased through SIP Yaqoob Ali Magsi wherein the deceased categorically stated that the occurrence had taken place accidentally due to leakage of gas cylinder and ignition from a matchstick and no allegation whatsoever was levelled against the present applicants or any of the inmates of the house. Furthermore, the first Roznamcha entry dated 07.05.2025 recorded immediately after the occurrence regarding the incident also does not disclose any allegation that the present applicants had intentionally set the deceased on fire. The earliest version available on record, therefore, does not support the subsequent prosecution story. Moreover, there is delay of about one and half month in registration of FIR inasmuch as the occurrence took place on 07.05.2025 whereas FIR was lodged on 20.06.2025 and, at least tentatively, no satisfactory explanation for such considerable delay has been furnished by the prosecution.

7. It is also significant that the prosecution witnesses examined under section 161 Cr.P.C., namely Jason, Mst. Venious, Semoel, Asad, Nasir Khan, Aamir Arshad, Asif, Pervaiz Maseeh and other locality witnesses, do not support the prosecution allegation that the applicants poured petrol upon the deceased and set him on fire. Rather, the witnesses consistently stated that before the occurrence the deceased was present in the street with his minor daughter; that his clothes were already in wet condition; and that he was carrying a bottle containing alcohol/spirit. One witness specifically stated that the deceased was insisting his wife to accompany him and thereafter he himself set his body on fire with a matchstick. Another witness stated that deceased was shouting that he would set himself on fire and implicate his in-laws. The witnesses further stated that after the incident inmates of the house put a bed-sheet/chadar upon the deceased in order to extinguish the fire and thereafter shifted him to hospital. One witness also specifically stated that father-in-law of deceased was not present at the house at the relevant time. Significantly, none of the aforesaid witnesses specifically attributed any overt act of pouring petrol upon the deceased or setting him on fire to the present applicants.

8. Record further reflects that after about five days, another video recording allegedly made through the sister of the deceased on 12.05.2025 surfaced wherein allegations were levelled against the applicants. Besides that, an application dated 12.05.2025 purportedly bearing thumb impression/signature of the deceased and addressed to I.G.P. was also brought on record wherein the applicants were implicated. At this stage,

however, the evidentiary value, voluntariness, authorship, identification of thumb impression/signature and correctness/authenticity of such subsequent statement and application are matters requiring determination during trial, particularly when the earliest version of the deceased was entirely exculpatory in nature.

9. So far as forensic material is concerned, the report issued by Punjab Forensic Science Authority reflects that no traces of editing/manipulation were detected in the first video recording dated 07.05.2025 conducted by SIP Yaqoob Ali Magsi wherein the deceased narrated the incident as accidental. However, the report further reveals that traces of WhatsApp processing/compression were found in subsequent audio files and no opinion regarding authenticity/editing thereof could be rendered by the forensic laboratory. Such circumstance prima facie creates doubt regarding consistency and reliability of the subsequent incriminating versions and requires consideration during trial. Furthermore, the Investigating Officer, after recording statements of witnesses and conducting investigation, recommended disposal of the case in Class "C" by observing that no incriminating material had surfaced against the accused persons. Though such opinion of the Investigating Officer is not binding upon the Court, yet the same may tentatively be looked into for purposes of bail. All these circumstances require deeper appreciation of evidence, which cannot be undertaken at bail stage. Consequently, at this stage, the case of the applicants appears to fall within the ambit of further inquiry as contemplated under section 497(2), Cr.P.C.

10. In view of the above facts and circumstances, learned counsel for the applicants has succeeded in making out a case of further inquiry within the meaning of section 497(2), Cr.P.C. Resultantly, the applicants are admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) each and P.R. bond in the like amount to the satisfaction of learned trial Court.

11. The observations made hereinabove are tentative in nature and shall not prejudice either party during trial.

JUDGE