

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.2850 of 2025

Applicant : Haris Khan s/o Hamid Khan
Through Ms. Benish Fatrima Advocate

Complainant : Ali Zaid Ahmed
Through Mr. Aijaz Ali Tunio, Advocate

Respondent : The State
Through Ms. Seema Zaidi, APG
along with complainant

Date of hearing : 27.04.2026
Date of order : 27.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through captioned criminal bail application, applicant Haris Khan s/o Hamid Khan, seeks pre-arrest bail in Crime No.589/2025, registered at Police Station Darakhshan, Karachi South, for the offence punishable under Sections 354 PPC. Prior to this, the applicant had approached to the Court of learned Additional Sessions Judge-III/ Special Court (ARITA 2021) Karachi South, for the same relief but it was declined vide order dated.28.08.2025. He was granted interim pre-arrest bail by this court on 20.10.2025, which is now fixed for confirmation or otherwise.

2. The allegation against the applicant is that he being coach / trainer of complainant Ali Zaid's daughter namely Zeenia Ali, harassed her by taking her in arms, asked her to give kiss, touched her different parts of body and tried to remove her clothes, who fled away from there and told her father (complainant) who lodged such FIR.

3. I have heard learned counsel for the applicant, learned counsel for the complainant as well as learned APG and perused the record.

4. Per learned counsel for the applicant the offence under Section 354 PPC is punishable with imprisonment up to two years and is a bailable offence as well as there is delay in lodging the FIR and that no medical evidence has been produced. However, in cases involving the honour and dignity of a female victim, some delay in reporting is natural, as the victim and her family may take time to decide whether to disclose such sensitive facts or not due to possible social consequences. Therefore, such delay, by itself, does not affect the merits of the case. Likewise, medical evidence is not required in the present case, as no allegation of sexual intercourse has been made. On the other hand, the learned counsel for the complainant submits that a wrong section was applied at the time of lodging the FIR, and the same defect continued throughout the investigation, resulting in submission of the challan under Section 354 PPC. It is observed that neither the complainant moved any application before the trial Court/Magistrate for alteration of the charge, nor Investigating Officer take steps to correct this defect. This omission has weakened the prosecution case. From the contents of the FIR, it appears that Section 377-A PPC may be attracted, which carries a punishment of 14 to 20 years' imprisonment. However, due to the application of the existing section in the challan, this Court is not in a position to change the nature of the offence at this stage or to cure the defects left by the Investigating Agency. Admittedly, the offence presently applied is bailable. Therefore, the applicant cannot be kept behind the bars, particularly when the matter is of pre-arrest bail. The investigation has already been completed, and the challan has been submitted, and the applicant is no longer required for further investigation. The record further shows that after obtaining interim pre-arrest bail, the applicant joined the investigation and attended the trial proceedings regularly. There is nothing on record to suggest that he has misused the concession of interim pre-arrest bail. In these circumstances, the applicant has made out a case for confirmation of pre-

arrest bail. Consequently, the interim pre-arrest bail granted to the applicant vide order dated 20.10.2025 is hereby confirmed on the same terms and conditions. However, the trial Court is directed to examine the lapses on the part of the Investigating Officer and determine, in accordance with law, the appropriate offence to be tried.

5. Needless to mention here that the observation made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial court shall be at liberty to cancel the same after giving him notice, in accordance with the law.

Criminal bail application stands disposed of.

JUDGE

