

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
Cri.Bail Appl. No.900 of 2026
(Aijaz Hussain v. the State)

Date	Order With Signature Of Judge
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For hearing of bail application

Date of hearing
& order: **15.06.2026**

Ms. Sanam Mustafa, advocate for the applicant

M/s. Abdul Basit Buriro and Muhammad Shahzad,
advocates for the complainant

Ms.Seema Zaidi, Additional Prosecutor General

Omar Sial, J. On 04-01-2025, at approximately 1900 hrs, Khalida Bibi, wife of Aijaz Hussain, recorded a statement under Section 154 Cr.P.C. at Police Station Aziz Bhatti, Karachi.

2. Khalida stated that she resided with her family and was employed as a housemaid. On 17-12-2024, at approximately 0900 hrs, she left for work, leaving her daughter "MB", aged approximately 10–11 years, along with her other children at home. During her absence, her husband Aijaz Hussain s/o Rahim Bukhsh sent all the children out of the house and committed rape upon "MB". On the basis of this statement, FIR No. 09 of 2025 was registered under Section 376 PPC, Section 3 of Prevention of Trafficking in Persons Act, 2018.

3. Before this Court, the applicant's learned counsel contended that a false case had been registered against his client. Upon being queried as to the motive behind such an accusation, counsel submitted the following background: that the marriage between Khalida and Aijaz Hussain was Khalida's third marriage; that at the time of the marriage, it was agreed that Aijaz would gift Khalida a plot of land, and that his daughter from his first wife would be married to Khalida's nephew; that following the marriage, disputes arose between the spouses, and that Khalida had expressed a desire to reconcile with her first husband.

Counsel contended that the false accusation arose from this matrimonial discord. Counsel further argued that the medical evidence on record was inconsistent with and did not support the accusation.

4. I have listened to the applicant's and the complainant's counsels and the learned Additional Prosecutor General. My observations and findings are as follows.

5. As a preliminary observation, I am constrained to record that the arguments advanced by the counsel were not only insensitive but also served to trivialise the trauma endured by the survivor. Further, the contents of the bail memo reflected a dismissive and condescending attitude toward women who choose to remarry, reducing a deeply personal decision to a point of criticism. Such remarks and insinuations are deeply troubling and not appropriate from a legal professional — more so given that the counsel herself is a woman, from whom a greater degree of empathy and awareness on issues affecting women could reasonably have been expected.

6. The victim, "MB," appeared as a witness at trial and narrated the ordeal to which she was subjected by her father. Upon tentative assessment, her testimony carries an air of authenticity and does not appear to be tutored or coached in any manner. MB's post-incident behaviour and conduct, as described in her testimony, also appears natural and consistent with that of a child who has experienced trauma.

7. The delay in lodging the FIR, at this stage of bail proceedings, does not materially benefit the accused, given the circumstances of the case. Furthermore, MB had absolutely no motive or malafide intent to falsely implicate her own father at the behest of her mother.

8. MB was medically examined on 04-01-2025, and the medical report, upon tentative assessment, indicates that the accusation may well be substantiated. Three samples, all collected from MB, were submitted for DNA analysis. While the

laboratory did not detect the presence of spermatozoa, the reasons for this have been duly noted in the report. It is further relevant that the definition of rape under the Pakistan Penal Code has been significantly expanded, and now encompasses a range of acts that do not necessarily require penetration.

9. In view of the foregoing, the bail application is hereby dismissed.

JUDGE