

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 573 of 2026.

Applicant : **Muhammad Haneef** through
Mr.Zaheer Ahmed Ansari, Advocate.

Respondent : The State through Mr. Qamaruddin
Nohri, D.P.G. Sindh

Date of hearing : 16.3.2026.

Date of order : 16.3.2026.

ORDER

TASNEEM SULTANA-J.:-Through this Criminal Bail Application, Applicant Muhammad Haneef seeks post-arrest bail in case arising out of F.I.R No. 688/2025 registered at P.S. Boat Basin for offence punishable under Section 376 P.P.C. Having been rejected his earlier post arrest bail application No. 50 of 2025 by learned Additional Sessions Judge-II/Special Court (ARITA-2021), Karachi South vide order dated 05.12.2025, hence this application for same concession.

2. The details and particulars of FIR are already available in the bail application and FIR. Same could be gathered from the copy of FIR attached with the bail application, hence need not to produce hereunder.

3. Learned counsel for the Applicant contended that the Applicant is innocent and has been falsely implicated due to previous enmity on property dispute and ulterior motives; that the F.I.R. has been lodged with unexplained delay of about 20 hours; that as per investigation, the DNA report as well as medical evidence does not support the allegation of rape; that the investigation has been completed and challan has been submitted before the trial Court; therefore, he is no more required for further investigation. On all these submissions, learned counsel urged that case of the Applicant calls for further inquiry as envisaged under Section 497(2) Cr.P.C.

4. Conversely, learned D.P.G. opposed the grant of bail on the ground that the Applicant is named in the FIR with specific role in the commission offence and sufficient material is available on record connecting him with the commission of offence. However, he could not controvert the fact that no incriminating DNA evidence has been reported against the Applicant.

5. Heard. Record perused.

6. Perusal of the record reflects that the allegation against the present applicant is that on 24.08.2025 between 1800 to 1840 hours, he allegedly committed zina-bil-jabr with the prosecutrix at her house, whereafter the F.I.R. was lodged on 25.08.2025 at about 1400 hours. The statement of the prosecutrix under section 164 Cr.P.C. is also available on record, wherein she has reiterated the version set out in the F.I.R.; however, the same is not to be examined in isolation but in conjunction with the other material collected during investigation.

7. It further appears that during the course of investigation, medical examination of the prosecutrix was conducted and forensic material was secured. The forensic report does not, at this stage, provide such incriminating nexus with the applicant which may, by itself, firmly connect him with the commission of the alleged offence, while the medical evidence also requires cautious consideration. It also appears from the record that the applicant is related to the prosecutrix as her brother-in-law and a property dispute between the parties is also reflected from the record, which requires cautious consideration.

8. Admittedly, the investigation has been completed, and challan has been submitted before the learned trial Court and the applicant is in custody; therefore, his further detention does not appear to be required for the purpose of investigation.

9. Hon'ble Supreme Court of Pakistan in the case of Jahzeb Khan vs. The State through A.G. KPK and others in Criminal Petition No.594/2020; wherein the Hon'ble Supreme Court has held that:

“4..... Petitioner's continuous detention is not likely to improve upon investigative process, already concluded, thus, he cannot be held behind the bars as a strategy for punishment. A case for petitioner's release on bail stands made out.”

10. It is settled law that deeper appreciation of evidence is not permissible at the bail stage and only a tentative assessment is to be made. In the present case, the timing of the occurrence and the lodging of the F.I.R., the nature of the medical and forensic material, and the relationship between the parties coupled with the background of dispute, when considered together, bring the case within the ambit of further inquiry as envisaged under section 497(2), Cr.P.C.

11. In view of the above, the applicant has made out a case for grant of post-arrest bail. Consequently, the instant bail application is allowed and the applicant/accused Muhammad Haneef is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the

learned trial Court. These are the reasons for my short order dated 16.03.2026.

12. Observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE