

## IN THE HIGH COURT OF SINDH AT KARACHI

### **Criminal Bail Application No.1906 of 2025**

Applicants : Feroz Baig and another, through Mr. Sami Ullah, Advocate.

Complainant : Mst. Tasleem, through Ms. Rahila Khan, Advocate.

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

Date of Hearing : 13.11.2025

Date of Order : 13.11.2025

—

### **ORDER**

**TASNEEM SULTANA, J:** Through this Criminal Bail Application, the applicants seek pre-arrest bail in Crime No.150 of 2025 under Section-354, 506, 34 PPC registered at Police Station Saudabad. Earlier same relief was granted by the learned VIIth Additional Sessions Judge, Karachi East but was recalled vide order dated 05.06.2025.

2. Brief facts of the prosecution case, are that on 27.05.2025, the complainant Mst. Tasleem, after submitting an application at the office of DSP Saudabad, she proceeded towards Passport Office Road, Darakhshan Society, Malir Karachi, when the present accused Feroz Baig and Junaid Baig allegedly came from behind on a motorcycle, threatened her to withdraw the earlier FIR, pushed her due to which she fell and sustained injury on her foot, and her shalwar and shirt were torn. It is further alleged that the accused attempted to snatch her documents which her daughter took away and went home. It is further alleged that during scuffle, her modesty was outraged; hence, the present FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with malafide intention; that the alleged place of incident is thickly populated area but absence of a single eye witness creates doubts about the veracity of the FIR; that the applicants were implicated by the complainant in another false and fabricated FIR No.101/2024, which was of a similar nature to the present one; that in the FIR one of relevant sections is 354 PPC, however, in the impugned order, the learned trial court

cited section-354-A PPC which is entirely different; that the sections in the FIR do not fall within the prohibitory clause of Section-497 Cr.P.C; that the investigation has been completed, challan has been submitted and the applicant is ready to face the trial, therefore, he deserves the concession of bail.

4. Conversely, learned D.P.G. assisted by the learned counsel for the complainant opposed the plea and argued that the applicants are nominated in the FIR with specific role of beating a woman, therefore, they do not warrant leniency at the bail stage.

5. Heard. Record perused.

6. It appears that the allegations against the applicants/accused, though specific in nature, require deeper appreciation of evidence, which is the domain of the trial Court. The record reflects that the incident is alleged to have occurred in a public place, yet no independent witness has been cited by the prosecution, which prima facie creates doubt regarding the manner in which the occurrence allegedly took place. The complainant, who is ex-wife of one of the applicants, has also previously lodged an FIR against the applicants of similar nature, which, at this stage, cannot be ignored while assessing the element of mala fide.

7. The I.O has placed reliance upon the CDR data of the applicants reflecting their location near their residence at the relevant time, which appears to be at variance with the narrative advanced by the complainant; however, this contradiction requires evidence and cannot be resolved without trial.

8. Furthermore, the offences with which the applicants have been charged do not fall within the prohibitory clause of Section 497 Cr.P.C. Once the case falls outside the prohibitory clause, the principle laid down by the Honourable Supreme Court regarding grant of bail as a rule and refusal as an exception comes into play, unless extraordinary circumstances exist which are not apparent in the present matter. These factors collectively constitute grounds of further inquiry within the meaning of Section 497(2) Cr.P.C. In this regard, reliance is placed upon case of Muhammad Tanveer v. The State and another (PLD 2017 SC 733), wherein it has been observed as follows: -

*“Once the Court has held in categorical terms that grant of bail in offences not falling within the prohibitory clause of Section 497, Cr.P.C. shall be a rule and refusal shall be an exception, then the Courts of the country should follow the same principle in its true letter and spirit because consistency in law declared by the Court ensures the rule of law and confidence of Courts throughout the country including the Special Tribunals and Special Courts.”*

9. In view of the above facts and circumstances, interim pre-arrest bail already granted to the applicants/ accused vide order dated 23.07.2025 was confirmed on same terms and conditions, by a short order dated 13.11.2025 and these are the reasons for the same.

10. The applicants shall attend the trial regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail according to law. The observations made herein are tentative in nature and shall not prejudice either party at trial.

JUDGE

Ayaz Gul