

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2688 of 2025

Applicant : Mst. Sania D/o Ali Nawaz
through Mr. Zeeshan Rajpar, Advocate

Complainant : Fida Hussain S/o Ghulam Muhammad
through Mr. Allah Rakha Narejo, Advocate

Respondent : The State
through Ms. Rubina Qadir, Addl. P.G.,
Sindh a/w SIP Riaz Ahmed Khan of PS
Shah Latif Town

Date of hearing : 04.02.2026

Date of order : 04.02.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.227/2025 for the offence under Section 302/34 PPC registered at PS Malir Cantt. Karachi; after his bail plea has been declined by the learned Additional Sessions Judge-IV, Malir, Karachi vide order dated 30.09.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, therefore, the same need not to be reproduced.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that FIR is delayed about 11 days, for which no plausible explanation has been furnished; that complainant side has refused to conduct the postmortem of the deceased which negates their stance; that no direct evidence is available against the applicant which connects her with the commission of instant offence; that the I.O. has disposed of the case under "C" class, as such, the applicant is entitled for confirmation of bail.

4. On the other hand, learned Addl. P.G. duly supported by the I.O. confirms the contention of learned counsel for the applicant that the I.O. disposed of the case under "C" class and as such, she half-heartedly opposed for confirmation of bail. However, when confronted such fact with the learned counsel for the complainant,

he also reluctantly agrees to the confirmation of bail to the applicant.

5. Heard arguments and perused the record.

6. The case of the prosecution is that sister of the complainant informed him that their brother Ali Gohar had committed suicide at Zakariyya Goth. Upon receiving such information, the complainant alongwith his younger brother Abid Hussain rushed to the place of occurrence where they found the dead body of deceased Ali Gohar aged about 25 years lying on a cot with ligature marks around his neck and a rope hanging with the hook of a ceiling fan in a small room. Admittedly, FIR was registered with a delay of 11 days and no direct evidence is available prima facie connects the applicant with the commission of offence.

7. Further, on last date of hearing I.O. of the case was called, who is present in Court today and he stated that he disposed of the case under "C" class and submitted such report before the concerned Court on the ground there is no direct evidence available against the applicant. Hence, this case becomes the case of further enquiry. The learned counsel for the applicant has also pleaded malafide on the part of complainant that after due deliberation and consultation, he has implicated her in this case due to personal enmity. At bail stage, only tentative assessment is to be made and deeper appreciation of the evidence is not permissible.

8. In view of the above, learned counsel for the applicant has made out a case for grant of bail in subsection (2) of Section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The interim pre-arrest bail granted to the applicant/accused vide order dated 07.10.2025 is hereby confirmed.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE