

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appln. No.2528 of 2025

Applicant : Mst. Mariyum @ Ghuriya
(Mariyum Aftab) wife of
Muhammad Aftab Uddin @ Bhera
through Mr. Noor Muhammad,
Advocate.

Complainant : Riazuddin through Mr. Abdul Rauf,
Advocate.

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

Date of hearing : 30.03.2026.

Date of order : 30.03.2026.

ORDER

TASNEEM SULTANA J.-Through this Criminal Bail Application, the applicant seeks pre-arrest bail in FIR No.315 of 2025 registered under Sections 302/34, 201, 202 and 109 P.P.C.at Police Station Pakistan Bazar, Karachi. Having been rejected her earlier Bail Before Application No.3942 of 2025 passed by the learned Additional Sessions Judge-X, Karachi West (Court of Gender Based Violence Cases) vide order dated 25.08.2025, hence this application for same concession.

2. Brief facts of the prosecution case are that on 17-06-2025, the complainant was present at his house when his wife, namely Farida Riaz, went to drop their daughter Laraib Riaz at the bus stop, who works in the office of Abdul Rauf Advocate, and while she was returning home, inside the street near Sindh Government Hospital, Sector C-15, Orangi Town, Karachi, at about 08:20 a.m., some unknown persons fired upon her, as a result whereof she sustained bullet injury on her head, fell on the ground and blood started oozing from her head; the complainant rushed towards the spot, however, she had succumbed to her injuries; thereafter, her dead body was shifted to Abbasi Shaheed Hospital through Chhipa ambulance, where doctors confirmed her death. The complainant alleged that unknown persons, due to unknown enmity, had killed his wife by firing and requested for legal action.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in this case; that she was not

nominated in the F.I.R. and her involvement has been shown subsequently during investigation; that no specific role or overt act has been attributed to her; that the case against her is based upon Call Data Record, which is not sufficient to connect her with the commission of the alleged offence; that no recovery has been effected from her; and that the criminal proceedings have been initiated with mala fide intent; hence, she is entitled to confirmation of interim pre-arrest bail.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposes the application and contends that the material collected during investigation indicates association between the applicant and co-accused Rehan; that their prior relationship, coupled with the circumstances involving the deceased, provides a background to the occurrence; that Call Data Record reflects communication between them from the night of 16-06-2025 till the afternoon of 17-06-2025, including around the time of the occurrence; that such interaction, along with subsequent investigative developments, suggests her involvement; that the co-accused has also referred to the applicant during interrogation, therefore, the applicant does not deserve the extraordinary concession of pre-arrest bail.

5. Heard. Record perused.

6. Perusal of record reflects that the F.I.R. was lodged against unknown persons and the involvement of the present applicant has surfaced during investigation. The material collected by the prosecution includes the Call Data Record pertaining to the mobile number attributed to the applicant, which shows that she remained in telephonic contact with co-accused Rehan from 16-06-2025, commencing from about 09:45 p.m., and such contact continued till 02:26 p.m. on 17-06-2025, whereas the occurrence took place at about 08:20 a.m. on 17-06-2025. Thus, the telephonic contact between the applicant and the co-accused is shown to be in close proximity to the time of occurrence, both prior and subsequent thereto. It further appears that the co-accused Rehan is alleged to have committed the principal offence and a pistol has also been recovered from his possession, and the Call Data Record reflects continuous telephonic contact between him and the present applicant around the time of occurrence. It also appears from the record that during the course of investigation, co-accused Rehan has disclosed the involvement of the present applicant and has attributed a motive arising out of prior relations between them and the deceased; though such disclosure is not a substantive piece of evidence, it can be considered at this stage for the limited purpose of examining the existence of prima

facie material. In these circumstances, the material available on record, on tentative assessment, is sufficient to connect the applicant with the commission of the alleged offence, while the exact nature and extent of her involvement are matters to be determined at trial. Reliance is placed in case of *Rana Abdul Khaliq v. The State (2019 SCMR 1129)*, wherein the Honourable Supreme Court of Pakistan has held as under:

“Grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law in cognizable cases and is meant as a protection to innocent persons being hounded on trumped-up charges through abuse of process of law. Therefore, a petitioner seeking such judicial protection is required to reasonably demonstrate that the intended arrest is calculated to humiliate him with mala fide intent; it is not a substitute for post-arrest bail in routine criminal cases, as it seriously hampers the course of investigation the principles governing such protection require consideration of mala fide, ulterior motive or abuse of process of law.”

7. In view of the above facts and circumstances, the applicant/accused has not been able to make out a case of mala fide, ulterior motive, on the part of the complainant so as to warrant confirmation of the extraordinary concession of interim pre-arrest bail. Consequently, the instant bail application is dismissed and the interim pre-arrest bail earlier granted to the applicant/accused vide order dated 26.09.2025 is hereby recalled.

8. 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 on merits.

JUDGE