

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

*Criminal Bail Application No. S-2923 of 2025
(Imran Rahim vs. The State)*

| DATE | ORDER WITH SIGNATURE OF JUDGES |
|-------------|---------------------------------------|
|-------------|---------------------------------------|

For order on M.A.No.18306/2025.

17.12.2025

Mr. Mansoor Hussain Khoso, Advocate for the applicant

Mr. Muhammad Salman Khan Rind, Advocate, for Complainant along with the complainant

Ms. Rahat Ahsan Addl. Prosecutor General

-.-.-.-.-.-.-

Ali Haider 'Ada', J;-Through this bail application, the applicant/accused Imran Rahim seeks post-arrest bail in FIR No. 1248/2025, registered under Section 365-B, PPC at Police Station Surjani Town, Karachi. Earlier, the applicant approached the learned Additional Sessions Judge-X, Karachi West, for the same relief, which was declined vide order dated 18-10-2025.

2. Briefly stated, on 24-09-2025, Mst. Uzma lodged the FIR alleging that she is a working woman and on 10-09-2025, while proceeding to purchase grocery items, upon reaching Main Road-52, Lyari Tessar Town, the accused persons, namely Kamran, Imran, Irfan, Mst. Kalsoom Bibi and Shahnaz Bibi, along with some unknown persons, arrived in a white-coloured Fortuner. They allegedly informed her that her brother Abid had been in an accident and thereafter took her to their house, where she was confined. It is further alleged that on 16-09-2025, the complainant managed to escape and subsequently lodged the FIR. After registration of the case, investigation was conducted and on completion thereof, challan was submitted before the competent Court.

3. Learned counsel for the applicant contends that there is an unexplained delay of seven days in the lodging of the FIR, for which no plausible explanation has been furnished by the complainant. It is further argued that co-accused Kamran contracted marriage with Najma, daughter of the complainant's elder sister Khan Zadi, and that Najma had also approached the Justice of Peace for protection. On

account of this matrimonial dispute, the complainant allegedly lodged the present FIR with mala fide intent. Learned counsel further submits that the complainant has also sworn an affidavit expressing no objection to the grant of bail to the present applicant. Reliance is placed upon 2020 PCr.LJ 1305, 2023 YLR Note 39, 2017 YLR Note 308, 2018 PCr.LJ Note 2 and 2025 MLD 721.

4. Learned counsel for the complainant, under instructions, submitted that he has no objection to the grant of bail to the applicant.

5. Conversely, learned Additional Prosecutor General opposed the application on the grounds of the gravity of the offence. She submits that although no medical evidence is available, the offence falls within the prohibitory clause and is non-compoundable; therefore, the no objection carries no legal value. She accordingly prayed for dismissal of the application.

6. Heard and perused the material available on record.

7. It is the foremost duty of the prosecution to establish its case through cogent material and to prove the entire chain of events connecting the accused with the commission of the alleged offence. In the present matter, although the complainant has levelled an allegation of kidnapping, she simultaneously claims that she managed to escape on her own. Whether such escape was possible in the manner alleged, and whether any element of coercion, detention, or inducement existed, are matters which can only be determined after recording evidence at trial. It is also an admitted position that the complainant never recovered from the alleged custody of the accused through the police or any other corroborative source. Reliance be placed on the judgment reported as **Zia Jamli v. The State (2022 MLD 1078)**

8. Moreover, there is an unexplained delay of seven days in the lodging of the FIR, despite the allegation involving a serious offence such as kidnapping. Such delay, without any plausible explanation from the complainant, suggests after-thought and deliberation. The FIR was admittedly registered after a lapse of several days, which creates doubt

regarding the prosecution's version at this stage. Reliance in this regard may be placed upon **Abdul Nabi Burriro v. The State (2024 MLD 934)** and **Behram Jakhro and others v. The State (2024 MLD 1359)**

9. Admittedly, Najma, the niece of the complainant, contracted marriage with one of the co-accused, giving rise to a possible motive for false implication, which cannot be ruled out at this stage. No meaningful investigation appears to have been conducted on this aspect. It is the duty of the investigating agency to collect all material, whether favourable to the prosecution or to the accused, and the omission to examine a relevant circumstance casts doubt upon the prosecution case. It is a well-settled principle of law that the benefit of doubt, even at the bail stage, must go to the accused. Reliance may be placed on the case of **Naveed Sattar vs. The State (2024 SCMR 205)**.

10. Additionally, learned counsel for the complainant has raised no objection to the grant of bail, and the complainant herself, present in Court, affirmed the same. Although the offence is non-compoundable, the stance of the complainant and the surrounding circumstances may still be considered while assessing the question of further inquiry. Reference in this regard may be made to the cases of **Muhammad Najeeb vs. The State (2009 SCMR 448)** and **Akhtiar Ahmed and another vs. The State (2018 PCr.LJ Note 2)**.

11. In view of the above discussion, the instant bail application is allowed. The applicant/accused Imran Rahim, son of Rahim Bux, is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand Only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE