

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 3465 of 2025

Applicant : Rashid Iqbal son of Farooq Ahmed, through
Mr. Maazam Hussain Advocate

Complainant : Mst. Ayesha Butt through Mr. Abdul Sadiq
Tanoli Advocate

Respondent : The State through Mr. Muhammad Noonari,
Deputy Prosecutor General Sindh.

Date of hearing : 20.04.2026

Date of Order : 20.04.2026

ORDER

TASNEEM SULTANA, J.— Through this Criminal Bail Application, the applicant Rashid Iqbal seeks pre-arrest bail in Crime No.187 of 2025 registered at Police Station Sher Shah, Karachi under Sections 337-A(i) & 337-F(vi), P.P.C. Earlier, his pre-arrest bail application No.5457 of 2025 was declined by the learned Additional Sessions Judge-X, Karachi West, vide order dated 24.10.2025. Hence, this application for the same concession.

2. The brief facts of the prosecution case are that final supplementary report No.5839/2025 along with relevant documents were received at Police Station Sher Shah for necessary action, whereupon Daily Diary Entry No.23 dated 01.10.2025 was recorded by ASI Nisar Ahmed at 6:45 p.m., which subsequently formed the basis of the present F.I.R. registered on 13.10.2025. It has been alleged therein that on 01.10.2025, complainant Mst. Ayesha Butt wife of Shoaib Afzal appeared at the police station and stated that at about 6:00 p.m., while her son Faizan, aged about 13 years, was sitting outside the house, the applicant/accused Rashid alias Shento, statedly resident of the same street, without any provocation, started beating him, grabbed him by the legs and threw him on the ground, as a result whereof he sustained injuries to his right arm. It has further been alleged that upon medical examination, the injured was found to have sustained fracture and dislocation in his arm, whereafter the present crime came to be registered against the applicant/accused.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that the F.I.R. has been lodged after considerable unexplained delay inasmuch as the alleged occurrence

took place on 01.10.2025 whereas the F.I.R. came to be registered on 13.10.2025; that there was a minor quarrel between the children of the complainant and the applicant/accused over a trivial matter, which was purely a children's affair and did not involve any criminal intent or malice; that even according to the complainant, she was inside the house at the relevant time and no eyewitness account of the alleged incident is available; that no independent witness from the locality has been cited by the prosecution; that the injury has been misconstrued and is accidental in nature; that no medical certificate/report regarding disability or permanent impairment has been produced; that the alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C.; and that the case otherwise calls for further inquiry.

4. Conversely, learned D.P.G., assisted by learned counsel for the complainant, submitted that the applicant is specifically nominated in the F.I.R. with an active role; that the victim is a minor child; that the medical evidence fully supports the prosecution case and corroborates the ocular account; that grievous injury in the nature of fracture and dislocation has been caused to the victim; that the delay in lodging the F.I.R. stands properly explained; and prayed for dismissal of the bail application.

5. Heard. Record perused.

6. Perusal of the record reflects that the applicant is specifically nominated in the F.I.R. with a distinct and active role of grabbing the minor victim by the legs and throwing him onto the ground, resulting in fracture and dislocation of his arm. The medical evidence available on record prima facie supports the prosecution version and corroborates the allegation leveled against the applicant. At this tentative stage, no material has been pointed out which may suggest that the applicant has been falsely implicated on account of mala fide or ulterior motive. Although learned counsel for the applicant has emphasized the delay in registration of the F.I.R., yet prima facie the same appears to have occurred owing to the medical treatment and care of the injured minor and, by itself, does not constitute sufficient ground for extending the extraordinary concession of pre-arrest bail to the applicant.

7. Perusal of the record further reflects that the plea regarding accidental injury and absence of the applicant from the place of occurrence are matters requiring deeper appreciation of evidence. At bail stage only tentative assessment is to be made and nothing has been brought on record

to show any ill-will or malafide on the part of the complainant which is requirement for grant of pre-arrest bail. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakistan [2019 S C M R 1129] wherein the Hon'ble Supreme Court of Pakistan has held as under:

“Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation..... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law.”.

8. In view of the above, the applicant has failed to make out a case for confirmation of pre-arrest bail or for further inquiry within the contemplation of Section 497(2), Cr.P.C. Consequently, the interim pre-arrest bail granted to the applicant vide order dated 15.12.2025 is hereby recalled and the instant bail application is dismissed.

9. Needless to observe that the observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

10. These are the reasons of my short order dated 20.04.2026.

JUDGE