IN THE HIGH COURT OF SINDH AT KARACHI

<u>*Present:*</u>
Mr. Justice Amjad Ali Sahito

<u>Criminal Bail Application No.2347 of 2026</u>

Applicant	:	Muhammad Talha Waseem S/o Waseem Illahi through Mr. Muhammad Ramzan, Advocate
Complainant	:	Mahnoor Kiran Khan D/o Ikramuddin Khan through Mr. Muhammad Shaharyar Saleem, Advocate
Respondent	:	The State through Mr. Sharafuddin Kanhar, Assistant Prosecutor General, Sindh a/w Inspector Shama, I.O. of the case
Date of hearing	:	31.07.2026
Date of order	:	31.07.2026

<u>O R D E R</u>

<u>AMJAD ALI SAHITO, J --</u> Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.230/2026 registered under Sections 376 PPC at PS Garden, after his bail plea has been declined by the learned Additional Sessions Judge-III/Special Court (ARITA 2021), Karachi South vide order dated 25.07.2026.

2. The details and particulars of the FIR are already available in the memo of bail application; therefore, the same need not to reproduce hereunder.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the instant case by the complainant with mala fide intention and ulterior motives solely to disgrace and humiliate him. He further submitted that the FIR has been lodged after an

unexplained delay of approximately twenty-five (25) days, for which no plausible or satisfactory explanation has been furnished by the complainant. It was further argued that there are material contradictions and inconsistencies between the allegations levelled in the FIR and those contained in the application submitted by the complainant before the concerned Senior Superintendent of Police (SSP). Learned counsel also contended that the Call Data Record (CDR) demonstrates that neither the applicant nor the complainant was present at the alleged place of occurrence at the relevant time. He further argued that the present case neither involves any allegation of forcible abduction nor of forcible commission of zina. It was also submitted that the medico-legal certificate of the complainant does not disclose any marks of violence or physical injury on her person, thereby rendering the prosecution version doubtful. Lastly, he prayed for the confirmation of interim pre-arrest bail granted to the applicant. In support of his submissions, learned counsel placed reliance upon the order passed by the High Court of Sindh, Bench at Sukkur, in Criminal Bail Application No. S-339 of 2021.

4. Conversely, learned counsel for the complainant, as well as the learned Assistant Prosecutor General, duly assisted by the Investigating Officer, vehemently opposed the grant of pre-arrest bail. They contended that the applicant established physical relations with the complainant by inducing her into a false promise of marriage and, in consequence thereof, committed the alleged offence of zina. It was further submitted that the applicant, on various occasions, dishonestly obtained money from the complainant by exploiting her confidence and repeatedly assuring her that he would marry her. According to the learned counsel, the applicant intentionally deceived and exploited the complainant for his own unlawful gain. They lastly contended that sufficient incriminating material is available on the

record, prima facie connecting the applicant with the commission of the alleged offences and, therefore, he is not entitled to the extraordinary concession of pre-arrest bail. In support of their submissions, the learned Assistant Prosecutor General placed reliance upon the cases of *Ramzan v. The State* (Criminal Bail Application No. S-377 of 2024), *Mashooque Ali v. The State* (Criminal Bail Application No. 669 of 2025), and *Asad Ali v. The State* (Criminal Bail Application No. S-800 of 2020).

5. I have heard the learned counsel for the parties, the learned Assistant Prosecutor General, duly assisted by the Investigating Officer, and have carefully examined the material available on the record.

6. It is the prosecution case that the complainant, after her recruitment as a Police Constable in the Police Department, came into contact with the present applicant, Talha, who was serving in the HRMIS Wing of the Police Department. It is alleged that the applicant induced the complainant into a relationship by extending a promise of marriage, which she accepted in good faith and, consequently, started meeting him. The prosecution further alleges that the applicant thereafter attempted to establish physical relations with the complainant and transmitted obscene photographs and videos to her with the intention of enticing and influencing her. Despite the complainant's persistent resistance and refusal, the applicant allegedly continued to harass and pressurize her. It is further alleged that on 11.06.2026, the applicant telephonically contacted the complainant and asked her to come to Garden, informing her that he would pick her up from there. Upon her arrival at the designated place between 6:00 p.m. and 6:30 p.m., she found the applicant waiting in a vehicle bearing a Sindh Police registration plate. The complainant boarded the vehicle, whereafter the applicant drove her towards Jhanda

Chowk and represented that his mother was on her way to meet them. However, instead of taking her to meet his mother, the applicant allegedly subjected the complainant to forcible rape against her will and thereafter extended threats of dire consequences should she disclose the occurrence to anyone.

7. The complainant/victim was also present before the Court. Upon being specifically confronted regarding the correctness of the allegations narrated in the FIR, she unequivocally affirmed the same and stated that the applicant had called her to Garden, from where he took her and subjected her to rape. The Investigating Officer submitted that immediately after the registration of the FIR, the complainant was referred for medico-legal examination, wherein the Medical Officer opined that she had lost her virginity. The learned Assistant Prosecutor General further produced copies of approximately sixteen (16) pages of banking transaction records purportedly showing that the complainant had transferred various amounts of money to the applicant. In addition, learned counsel for the complainant placed on record copies of mobile data containing conversations exchanged between the complainant and the applicant. At this tentative stage, the ocular account of the complainant prima facie receives corroboration from the available medical evidence as well as the documentary material produced before the Court.

8. As regards the contention advanced by the learned counsel for the applicant concerning the delay in the registration of the FIR, it is sufficient to observe that the complainant has furnished a plausible explanation for such delay. According to the complainant, immediately after the occurrence, the applicant threatened that if she disclosed the incident to anyone, he would defame her within the Police Department, ensure the loss of her employment, and misuse

the influence of his father, who was allegedly holding a senior position in the Police Department. Owing to such threats, fear of social stigma, and apprehension of losing her employment, the complainant remained silent. However, when the applicant allegedly resumed blackmailing her by threatening to circulate her videos on social media unless she continued to comply with his demands, she eventually approached the police station and lodged the present FIR.

9. It is a settled principle of criminal jurisprudence that mere delay in the registration of an FIR, by itself, is not sufficient to discard the prosecution case or to extend the concession of bail to an accused. The effect of such delay is to be examined in the peculiar facts and circumstances of each case. Where the prosecution offers a plausible and satisfactory explanation for the delay, particularly in cases involving sexual offences, offences against women or children, or where the victim remained under fear, intimidation, trauma, or social pressure, such delay loses much of its significance and does not adversely affect the prosecution case. Delay in lodging the FIR is not an inflexible rule for drawing an adverse inference against the prosecution; rather, its evidentiary value is to be assessed during trial after the recording of evidence. At the bail stage, unless the delay appears to be deliberate, unexplained, or indicative of consultation, fabrication, or mala fide, it cannot be treated as a circumstance sufficient to undermine the prosecution case. Therefore, the mere fact that the FIR was lodged after some lapse of time does not, by itself, render the prosecution version doubtful or fatal to the prosecution case.

10. The record further reflects that, in the year 2022, the complainant had also lodged FIR No. 100 of 2022 at Police Station Mubeena Town against the present applicant while she was a student of the Department of Criminology, University of Karachi. In the said case, it was alleged that the

applicant, by using a girl namely Khadija, obtained the complainant's photographs, threatened to circulate the same on social media, and thereby extorted an amount of Rs.230,000/- from her. Prima facie, the material placed on record indicates a continuing pattern of conduct on the part of the applicant whereby he allegedly exploited the complainant's vulnerability, subjected her to sexual exploitation, and dishonestly obtained substantial amounts of money from her through intimidation and deceit.

11. It is by now well settled that offences involving rape are of an exceptionally grave and heinous nature, striking at the dignity, honour, bodily autonomy, and integrity of a woman, besides creating a pervasive sense of insecurity amongst women in society. While deciding a bail application, the Court is required only to undertake a tentative assessment of the material available on the record, and any detailed appreciation or deeper scrutiny of the evidence, which may prejudice the case of either party at the trial, is neither desirable nor permissible.

12. The offence with which the applicant stands charged falls within the prohibitory clause of Section 497, Cr.P.C., being punishable with death or imprisonment of either description for a term which shall not be less than ten years and may extend to twenty-five years. A tentative assessment of the material presently available on record, particularly the specific allegations contained in the FIR, the categorical statement of the complainant, the available medical evidence, the financial transaction record, and the electronic data produced before the Court, prima facie connects the applicant with the commission of the alleged offences. Consequently, no case for the extraordinary relief of pre-arrest bail is made out.

13. It is equally well-settled that the concession of pre-arrest bail is an extraordinary relief which can only be extended where the Court is satisfied that the proposed arrest

of an accused is actuated by mala fide, ulterior motives, or abuse of the process of law at the hands of the complainant or the investigating agency. In the present case, not even a semblance of material has been brought on record to suggest any mala fide, ill-will, personal vendetta or ulterior motive on the part of either the complainant or the investigating officer, which could reasonably justify the inference that the applicant has been falsely implicated. In this regard, reliance may aptly be placed upon the dictum laid down by the Honourable Supreme Court of Pakistan in *Rana Abdul Khaliq v. The State and others* (2019 SCMR 1129), wherein it has been held that pre-arrest bail is an extraordinary remedy in criminal jurisprudence, constituting a deviation from the normal course of law relating to arrest in cognizable offences. Such relief is intended solely to protect an innocent person from harassment through mala fide prosecution and cannot be treated as a substitute for post-arrest bail in ordinary criminal cases. Since the grant of pre-arrest bail has the potential to impede the course of investigation, an applicant seeking such extraordinary relief is under a legal obligation to establish, through cogent material, that the intended arrest is motivated by mala fide and is designed merely to humiliate or harass him. In the instant case, learned counsel for the applicant has failed to point out any circumstance indicating mala fide, personal enmity or ulterior motive on the part of either the complainant or the investigating agency so as to persuade this Court to conclude that the applicant has been falsely implicated.

14. For the foregoing reasons, I am of the considered view that the applicant has failed to make out a case for pre-arrest bail or for extending the benefit of further inquiry within the contemplation of Section 497(2), Cr.P.C. Consequently, the instant bail application is **dismissed**.

15. It is clarified that the observations made hereinabove are purely tentative in nature, confined solely to the disposal of the present bail application, and shall not, in any manner, prejudice or influence the learned trial Court while deciding the case strictly on its own merits and in accordance with law.

JUDGE

Kamran/PS