

IN THE HIGH COURT OF SINDH KARACHI

CR. BAIL APPLICATION NO.2245 OF 2025

Applicant : Makar Ullah s/o Mahmood
through Mr. Azizullah Kumbhar
Advocate

Respondent : The State
through Ms. Rahat Ahsan,
Additional Prosecutor General
along with PI Shamm Fatima, I.O.

Date of hearing : 16th September 2025

Date of order : 20th September 2025

ORDER

Omar Sial, J.: On 16.12.2024, F.I.R. No. 920 of 2024 was registered under section 376 (2) P.P.C. at the Manghopir police station on the complaint of Urooj. The nominated accused was the applicant Makarullah. Urooj complained that she was living as a tenant in a house when, on 16.12.2024, some men came and told her that it would be better if she vacated the house. Later, five to six men came back to the house, mistreated her, robbed her, and then left the house, threatening her. She identified eight men, which also included the applicant.

2. I have heard the counsels and the Additional Prosecutor General. The complainant did not effect an appearance.

3. The content of the F.I.R. in itself reflects ambiguity. It is not satisfactorily explained how the intruders were identified by the

complainant by name. She said that they were calling each other by their names, and hence she picked up the names. On a tentative assessment, her explanation does not sound convincing. The Additional Prosecutor General submitted that there was no independent witness to the occurrence; also surprising, as Urooj claimed she lived with her husband, and the locality in which they lived was also densely populated. No details or description of the goods allegedly robbed by the men are on record to date. The investigation officer has not done a shred of investigation. The medical report on record, upon a tentative assessment, appears contradictory in terms of the conclusion and the description of various parts given on it. The medico-legal doctor has reproduced the complainant's statement as a conclusion. An absolutely useless DNA report is on file, as there is no match between the applicant's DNA and that on the vaginal swabs. Malafide cannot be eliminated at this preliminary stage as both parties have a history of matrimonial disputes.

4. Given the above, the case against the applicant is one of further inquiry. The interim pre-arrest bail given to the applicant is confirmed on the same terms and conditions.

5. Above are the reasons for the short order dated 16.09.2025.

JUDGE