

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. S - 541 of 2020

Date of hearing: 22.07.2020.  
Date of order: 22.07.2020.  
Applicant: Haroon Hafeez through Mr. Muhammad Waheed Kazi, advocate.  
Respondent: The State through Mr. Talib Ali Memon APG.

### ORDER.

**Fahim Ahmed Siddiqui, J:** The applicant Haroon Hafeez son of Muhammad Hafeez is seeking post-arrest bail in a case registered against him at PS Mehmoodabad vide FIR No. 59/2019 u/s 376, 324, 511 and 452 PPC.

2. I have heard the arguments advanced from either side and perused the records produced before me. After edifying by the valued submissions made at bar and scanning the record, I have observed as under:-

- (a) The allegation against the applicant is that he had tried to commit Zinna with the complainant Umaima Sagheer in her house while she was alone. It is also alleged that the applicant has removed her trouser and on her commutation, the applicant decamped from the scene of the offence.
- (b) It appears from the contents of F.I.R. that no one was the eyewitness of the incident even none has seen the applicant escaping from the alleged crime scene.
- (c) There is a delay of 23 hours in reporting the incident while it is revealed from the F.I.R. that the matter was immediately reported to rapid police response phone number i.e. 15.

- (d) The medical and chemical report is in negative while there was no allegation of commission of Zina, as such Section 376 PPC appears to be misapplied.
- (e) It is also not clear from the contents of F.I.R. that any attempt for murder was made by the applicant. At most, it can be said that he overpowered the resistance of the complainant.
- (f) The medical report belies of any mark of violence on the body of the complainant, as such an attempt of murder needs further probe.
- (g) From the peculiar circumstances of the case, it can be said that the facts attract the commission of offence under Section 354 PPC for which maximum punishment is two years imprisonment or a fine.

3. In view of the above observation, I am confident that a case of bail has been made out in favour of the applicant, as such, he is entitled to post-arrest bail in the instant case.

4. The outcome of the above discussion is that since the applicant is entitled to bail; therefore, the applicant was admitted to bail subject to his furnishing a surety in the sum of Rs. 100,000.00 [Rupees one hundred thousand only] and PR bond in the like amount to the satisfaction of trial Court through my short order dated 22.07.2020 and these are the reasons for the same.

5. Before parting, I would like to make it clear that all of the above observations are purely tentative and will have no bearing upon the trial of the applicants in any manner. It is further observed that if the applicant will misuse the concession of bail in any manner; or the trial Court is satisfied that the applicant becomes absconders then the trial Court is fully authorised to take every action against the applicant and his sureties including cancellation of their bail without referring to this Court.

**J U D G E**