

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

CrI. Bail Application No. 687 of 2018

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DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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For hearing of bail application.

**09.01.2019**

Mr. Habib-ur-Rehman, Advocate for applicant.  
Mr. Zahoor Shah, DPG for the State.

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**Omar Sial, J:** Saira Saleem, the applicant, has sought post arrest bail in crime number 42 of 2018 registered under sections 337-J, 324 and 34 P.P.C. at the Kalari police station. Earlier, on 2-4-2018 her post arrest bail application was turned down by the learned 12<sup>th</sup> Additional District and Sessions Judge, Karachi South.

2. Brief facts are that the aforementioned F.I.R. was lodged by one Hashir on 29.1.2018 stating therein that three months ago his father had divorced his mother (also named Saira) but that he would often come visit Saira (his first wife) at her apartment. The father also had a key to the said apartment. The previous date i.e. 28-1-2018, the complainant's mother received a phone call from his father that the father was not well. When the complainant got to know that his father is unwell, he along with his two brothers named Ali and Samee went to visit his father. They found the father in a bad state and according to them, the father told them that his second wife (the applicant Saira) and her younger brother Junaid had poisoned him.

3. I have heard the learned counsel for the applicant as well as the learned D.P.G. and have also examined the record with their able assistance. The complainant did not effect an appearance despite notice. My observations are as follows.

4. The complainant claims that his father told him that the applicant and her brother Junaid have poisoned him and that a video of her administering poison to him through various means has been recorded in his mobile phone. No evidence has been shown to me that would prima facie establish the claim of the complainant. I find it rather unusual also that the father would be recording a movie of his wife and brother-in-law administering poison to him but would continue to consume the said poison in spite of knowing that it is poison.

5. There appears to be a lot of bad blood between the complainant and the accused parties on account of the second marriage of the father of the complainant. In the present circumstances, false implication on behalf of the complainant cannot be conclusively ruled out at this stage. The delay of more than a day in the lodging of the F.I.R., prima facie, has also not been satisfactorily explained. Deliberations and consultations before the filing of the F.I.R. cannot be conclusively ruled out at this preliminary stage. Ofcourse a conclusive finding on these issues can only be given by the learned trial court after evidence is led at trial.

6. The applicant is a woman and on account of her gender and keeping in view the circumstances of the case, in my opinion, is entitled to the concession in the first proviso to section 497 Cr.P.C.

7. The person who is alleged to have been poisoned is very much alive and will appear as a witness. Investigation is complete and the entire evidence is in the hands of the police.

8. Above are the reasons for my short order of 11.12.2018 which was as follows:

“For the reasons to be recorded later on, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the amount of Rs.50,000 and P.R. bond in the like amount to the satisfaction of the Nazir of this court.”

JUDGE