

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1532 of 2020

Date order with signature of Judge

For hearing of bail application.

16-12-2020

Mr. Muhammad Riaz Abbasi, Advocate a/w applicant.
Mr. Muhammad Latif, Advocate for complainant.
Mr. Talib Ali Memon, APG.

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Omar Sial, J: Orangzaib has sought pre-arrest bail in crime number 140 of 2020 registered under sections 337-A(i), 388-A(b), 504 and 34 P.P.C. at the Civil Lines police station in Karachi. Earlier, his application seeking bail was dismissed on 7.10.2020 by the learned 10th Additional Sessions Judge, Karachi South.

2. The background to the case is that the aforementioned FIR was lodged by Saima on 23-9-2020 reporting an incident that occurred on 9-9-2020. She narrated therein that she is married to Aqib, the son of the applicant Orangzaib and that her husband Aqib and his family do not treat her well. On 7-9-2020, after an altercation with her husband's family she was kicked out of the house and thus went to live with her parents. Subsequently, on the intervention of the police the matter was resolved and she returned to the house of her in-laws. In the evening her husband, parents-in-law, brother-in-law Atif and Gul Bibi (Atif's wife) started beating her. Aqib pronounced divorce on her soon thereafter. At that time Saima was 3 months pregnant but after this incident she miscarried.

3. I have heard the learned counsel for the applicant as well as the complainant and the learned APG. My observations are as follows.

4. 5 people are alleged to have mistreated Saima. All have been ascribed the same role. Atif, the brother-in-law, was granted post arrest bail by the learned trial court on 27-10-2020 whereas the 2 women were granted pre-arrest bail by the learned trial court on 7-10-2020. On grounds of consistency, the applicant too is entitled to bail.

5. The offences with which the applicant is charged are all bailable except that under section 338-A(b) P.P.C. However, it is yet to be determined at trial as to what was the cause of the miscarriage that occurred and whether it was a miscarriage which was a consensual abortion or whether it was not. The case of the applicant and his nexus with the alleged offence requires further inquiry.
6. Keeping in view the admitted unpleasant marital background of the complainant, malafide in throwing the net wide at the whole family of her in-laws after she had been divorced, cannot be conclusively ruled out at this stage.
7. In view of the above, the interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions.

JUDGE