

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 1433 of 2023**

Applicant : Haseena Yaseen (in person)

Respondent : The State
Through Mr. Muhammad Iqbal Awan, Addl.P.G.

Date of short order : 15th November, 2023

Date of reasons : 16th November, 2023

ORDER

Omar Sial, J: Haseena has sought pre-arrest bail in Crime Number 186 of 2023, registered under sections 380, 454, 457 and 34 P.P.C. at the New Town police station. Her earlier bail application was dismissed on 22.06.2023 by the learned 4th Additional Sessions Judge, Karachi East.

2. Imran Farooq lodged the F.I.R. mentioned above on 19.05.2023. He recorded that on 25.03.2023, he and his family had put two boxes under their bed. On 07.04.2023, he went for Umra and when he came back on 23.04.2023 he saw that the two boxes were missing. He alleged that while he was absent, his nephew (Haris), sister (Kiran), mother (Rasheeda), wife (Sana) and sister-in-law (Ameera), were at home. Haris's ostensible lifestyle made the complainant cast doubt on him. Haris told the complainant that he had some of the jewellery, whereas his mother (the applicant) was also involved in the crime and that he had given her the jewellery and sold it for Rs. 1,230,000.

3. I have heard the applicant as her counsel remained absent. I have also heard the learned Additional Prosecutor General. The complainant did not effect an appearance despite notice. My observations and findings are as follows.

4. Admittedly, the applicant has been involved in this dispute based on what her son allegedly told the complainant. No recovery of jewellery or money has been effected from the applicant. The allegation against the applicant is not that she broke into the complainant's house or was a trespasser; the applicability of sections 454 and 457 must be considered at the time of the trial. Similarly, the role alleged against the applicant is that she received stolen goods and sold them. Whether or not section 380 P.P.C. will apply also needs consideration. The applicant is a domestic housewife, and her gender also tilts the grant of bail in her favour. At the moment, I am also not satisfied that malafide does not exist in the complainant's allegation against the applicant. Family friction, as claimed by the applicant, cannot be excluded.

5. Above are the reasons for the short order dated 15.11.2023 in terms of which the interim pre-arrest given to the applicant earlier was confirmed on the same terms and conditions. She is, however, directed to co-operate with the investigation, failing which the learned trial court will be empowered to cancel the concession of bail given herein.

JUDGE