

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
 Crl. Bail Application No. 650 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

**20-11-2023**

Mr. Aroon Parsad Advocate along with Ms. Shanti Devi,  
 Advocate along with applicant Fayyaz present on bail  
 Mr. Qaiser Abdullah Usman Advocate along with Complainant  
 Mir Muhammad Salman  
 Mr. Muhammad IqbalAwan, Additional Prosecutor General for  
 the State

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**Omar Sial, J:** Applicant Fayyaz son of Muhammad Aslam, has sought pre-arrest bail in crime number 118 of 2023 registered under section 322, 34 P.P.C. at the Korangi police station. Earlier, his application seeking bail was dismissed on 14.03.2023 by the learned 4<sup>th</sup> Additional Sessions Judge, Karachi-East.

2. A background to the case is that the F.I.R. mentioned above was registered on 23.02.2023 on the complaint of Mir Muhammad Salman. Salman reported that he had declined a request from his relative, Mohammad Aslam, for the hand of his (Salman's) daughter, Kiran, for his son Fayyaz. He alleged that Fayyaz bothered Kiran so much that on 20.02.2023, his daughter Kiran, was present alone in the house, when at about 1:00 p.m., Ali Hassan, neighbor of the complainant came and informed him that Kiran had committed suicide by hanging herself with a dupatta. Salman lodged the FIR against Muhammad Aslam and Fayyaz wherein he alleged that they harassed his daughter and thus his daughter committed suicide.

3. I have heard the learned counsel for the applicant, learned counsel for the complainant and the learned Additional Prosecutor General for the State.

4. Admittedly, there is no allegation of a pre-meditated murder against the applicant. On the contrary, there is a plausible different side to the story. It has not been denied that Fayyaz and Kiran were in love and had been a couple for quite some time. There is photographic evidence of the girl going to extremes of having his name written with blood on her arm. Her suicide could very well have occurred due to her father stopping her from marrying the applicant. As is always the case with investigation, the police has looked at the case from only one perspective and had completely failed to investigate what the applicant's stance was. There is no evidence to date of the harassment caused to Kiran by the applicant. A bare reading of the challan also shows that a crucial witness was not allowed by the complainant to record his statement and that it was the complainant himself who did not permit a post mortem of the deceased. Malafide on the part of a disgruntled father cannot be excluded at this preliminary stage.

5. The charge against the applicant is one under section 322 P.P.C. The punishment if this offence is proved is payment of diyat. It does not envisage imprisonment.

6. In view of the above, the interim pre-arrest bail earlier granted to the applicants is confirmed on the same terms and conditions.

JUDGE

Amjad PS