

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.1950 of 2024
(Mst. Fozia Rani vs. The State)

27.11.2024

Mr. Barrister Mian Haad A.M. Paggawala, advocate a/w applicant
Mr. Muhammad Qasim Niazi, advocate for complainant
Ms. Rahat Ahsan, Addl: PG Sindh

ORDER

MUHAMMAD IQBAL KALHORO J: It appears that for delivery purpose, wife of complainant was admitted in hospital i.e. "Tasneem Clinic" run by applicant (Mst. Fozia Rani) claiming to be doctor, though she was a lady health worker. Although, it was a case of a normal delivery but she charged Rs.35,000/- from complainant for carrying out a caesarean surgery of the lady. After the operation, her health deteriorated and she was then referred to some other hospital by applicant. Finally, the wife of complainant landed in Jinnah Postgraduate Medical Centre (JPMC), where it was verified that due to wrong surgery, she had profusely bled. Consequently she died.

2. Learned defence counsel submits that meanwhile Dr. Tasneem has been granted bail and in the evidence, certain contradictions have come on record. Hence, applicant is entitled to bail.

3. On the other hand, learned Addl: PG Sindh and counsel for the complainant have opposed bail stating that already Cr. B.A. No.2072/2023 filed by applicant has been dismissed by this Court vide order dated 02.10.2023. She instead of surrendering before the trial Court or approaching the Supreme Court has filed second bail application without any cogent ground.

4. I have heard learned counsel for the parties and perused material available on record. Applicant is not a doctor but falsely claiming to be so and running a clinic where she is conducting very serious surgeries, which only a gynecologist is authorized to do so. This is a very serious issue, the lady health worker, which the applicant is posing herself as a doctor, and conducting serious operations by deceiving the people into believing her as doctor. Already, her bail application has been dismissed by this Court on merits and apparently there is no fresh ground letting her to file a second pre-arrest bail application before this Court. The case of Dr. Tasneem is quite on different footings as she has not been alleged to carry out surgery of the deceased. On the contrary, in the investigation, she was not even found to be present at the clinic at the time of incident. Therefore, the case of applicant cannot be compared with her and granted the same relief. The concession of pre-arrest bail is special and extraordinary, which can only be extended to the people, who are innocent and falsely implicated. This concession is not available to

those, who commit fraud and play with the lives of people by feigning themselves as doctors and conducting serious operations resulting with in death of patients. In the circumstances, I find no merit in this application and dismiss it. Consequently, ad-interim pre-arrest bail granted to the applicants on 29.08.2024 is hereby recalled.

5. Needless to mention that the observations made herein above are tentative in nature and would not prejudice case of either party at trial. The bail application is disposed of in the above terms.

J U D G E

Rafiq/P.A.