

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**Cr. Bail Appl No.1037 of 2024**  
(Farhan vs. The State)

**Cr. Bail Appl No.1176 of 2024**  
(Muhammad Irfan Mohsin vs. The State)

**30.10.2024**

Mr. Nazeer Ahmed Shar, advocate for applicant in Cr. B.A. No.1037/2024 a/w applicant

Mr. Majid Hussain Shar, advocate for applicant in Cr. B.A. No.1176/2024

Mr. Gul Hassan, advocate for complainant

Ms. Rahat Ahsan, Addl: PG Sindh

**ORDER**

**MUHAMMAD IQBAL KALHORO J:-** By this order, both criminal bail applications in hand for pre-arrest and post-arrest in Crime No.141/202, u/s 354-A, 504, 506, 337-A(i) PPC, registered at Police Station Sohrab Goth, Karachi, are disposed of. Applicant, Farhan, in Cr. B.A. No.1037/2024, who was arrested on 25.03.2024, and is in jail, is seeking post-arrest bail u/s 497 Cr.PC. Whereas, applicant, Muhammad Irfan Mohsin in Cr. B.A. No.1176/2024 is seeking pre-arrest bail u/s 498 Cr.PC.

2. In FIR, complainant, widow of Farhan and sister-in-law of applicants, has alleged that after death of her husband, applicants used to maltreat her and would insist upon her to register the cases against her father. On 20.03.2024, when she was present in the house, applicants asked her to do a bad thing with them, on her refusal they maltreated her, outraged her modesty by tearing off her shirt, dragged her on the ground, and snatched her son aged about 04 years. Consequently, she came to her father's house and after three days viz. 23.03.2024, she registered the FIR against the applicants and produced her torn shirt to the police as a proof.

3. Learned counsel for the applicants has submitted that applicants have been falsely implicated in this case on the basis of enmity; that the father and brothers of complainant are involved in murder of brother of applicants; that there is 03 days delay in registration of FIR and without any material section 354-A has been included in the case.

4. On the other hand, learned Addl: PG Sindh, learned counsel for complainant and complainant present in person have opposed the bail. Complaint has said that her modesty was outraged by the applicants, hence, they are not entitled to bail.

5. I have considered submissions of the parties and perused the material available on record. In the arguments, learned Additional PG Sindh has pointed out that injuries sustained by complainant fall u/s 337-F(i) PPC, which is bailable in nature. A perusal of her medical certificate dated 21.03.2024 shows that she had received only scratches and bruises on different parts of her body but mostly on her forearms and knees, which apparently seem to have been caused to her from dragging. Apart from provision of law covering injuries to the complainant, section 354 and 354-A have been inserted in the case by the IO in the investigation although, complainant has said in the FIR that when the applicants dragged her on the ground, her shirt was torn off. *Prima facie*, she does not say that for outraging her modesty, her shirt was torn off by the applicants on purpose. Therefore, the allegations of outraging her modesty or stripping her of her clothes to attract Section 354-A PPC against the applicants require further inquiry. Further, in the FIR she has claimed that her shirt was torn off but in the investigation, besides her shirt, she has also produced her torn shalwar (trouser) on 24.03.2024 and claimed that not only her shirt but her shalwar was also torn off from the place of knee. Such discrepancy/improvement also needs to be determined in the trial, and make the case to be one of further enquiry.

6. Apart from above, learned Addl: PG Sindh, while opposing bail applications of applicants has referred to 161 Cr. PC statements of Muhammad Dawood, Muhammad Ramzan and Ovais, the purported neighbors, who, according to her, have supported the prosecution case. However, a perusal of their statements available in police file shows that they had only seen the quarrel between the complainant and the applicants. According to them, they saw the applicants beating complainant and dragging her on the ground. None of them have *prima facie* uttered a word regarding allegation of outraging modesty of complainant by the applicants intentionally or making any attempt to strip her of her clothes. Their statements are a ditto copy of each other and require a trial to verify their veracity to the extent of a quarrel between the parties. Further, the FIR is delayed for 03 days regarding which no *prima facie* explanation has been forwarded. The parties are at odds with each other as it is alleged that against father and brothers of complainant the murder case of brother of the applicants is pending in the Court, in which, brothers of the complainant are at large. *Prima facie*, the IO of the case has included Section 354-A PPC on the basis of recovery of shalwar of complainant on 24.03.2024, which was found torn off from the place of knee. However, the very memo of recovery shows that complainant has alleged that she was being dragged on the ground, which caused tearing off her shalwar; and not that the applicants wanted to outrage her modesty or stripped her of her clothes. In these

circumstances, the question whether Section 354-A PPC is applicable in the case is yet to be decided by the trial Court on recording of evidence.

7. In these facts and circumstances, I am of the view that applicants have been able to make out a case for bail. Accordingly, Cr. B.A. No.1176/2024 of applicant, Muhammad Irfan Mohsin is allowed and ad-interim pre-arrest bail granted to him vide order dated 29.05.2024 is hereby confirmed on same terms and conditions. Whereas, Cr. B.A. 1037/2024 of applicant, Farhan is also allowed and he is granted post-arrest bail subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one lac) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

8. 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 applications are disposed of in the above terms. Office to place a copy of this order in connected criminal bail application.

**J U D G E**

Rafiq/P.A.