

ORDER SHEET  
IN THE HIGH COURT OF SINDH, AT KARACHI.

**Criminal Bail Application No.2906 of 2023.**

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Date	Order with signature of Judge
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1. For orders on M.A. No.695/2024.
2. For hearing of bail application.

**09.02.2024.**

Mr. Khalid Ilyas, Advocate for the applicant.  
Mr. Abrar Ali Khichi, Additional Prosecutor General.  
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**MOHAMMAD KARIM KHAN AGHA, J:-** The Applicant Mst. Qurat ul Ain @ Aini W/o. Bilal Mustafa was booked in FIR No.648/2023 U/s.302/34 PPC registered at P.S. Azizabad, Karachi. However, the matter was challaned under section 322 PPC which provides only the payment of Diat. The applicant applied for post-arrest bail in the Court of Additional Sessions Judge-VII/MCTC-02, Karachi Central which was declined, hence she has approached this Court for post-arrest bail.

2. The brief facts of the case are that the complainant on 19.09.2023 received a call on Whatsapp whereby her mother told her that she is taking her brother to hospital. She reached at hospital where my mother disclosed that her brother had been murdered. She had suspicion that the applicant who is wife of the deceased had committed his murder, hence the aforesaid FIR was lodged.

3. I have heard learned counsel for the parties and perused the record. Learned counsel for the complainant preferred to remain absent despite this being a date fixed matter.

4. Learned Additional Prosecutor General Sindh has informed the Court that this matter has now been challaned under section 322 PPC, hence the applicant will face trial under section 322 PPC. It is noted that section 322 PPC does not involve any sentence of imprisonment but only involve the payment of Diat. The general rule in such like cases is that bail should be granted unless there are exceptional circumstances for declining the bail. There are no exceptional circumstances which exist in this case. It is also noted that the offence for which the applicant has been charged does not carry any sentence of imprisonment but only the payment of Diat. The investigation has been completed. The applicant being a lady is no longer required for investigation. There does not appear any direct evidence against the applicant and even the FIR was lodged on suspicion and was converted to offence under section 322 PPC.

5. Under these circumstances the applicant Mst. Qurat ul Ain @ Aini W/o. Bilal Mustafa is granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one lac only) and P.R. Bond in the like amount to the satisfaction of Nazir of this Court. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it.

6. The bail application is disposed of in the above terms.

JUDGE