

IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appln. No.1753 of 2025

Applicant : Mst. Kainat daughter of Rasheed,
Through Mr. Shamraiz Khan, advocate.

Respondent : The State and Complainant in person
through Ms. Rahat Ehsan,
Additional Prosecutor General, Sindh.

Date of hearing : 02.10.2025.

Date of Order : _____.10.2025.

O R D E R

MIRAN MUHAMMAD SHAH, J:- Through the instant Criminal Bail Application, the applicant above named seeks her post-arrest bail in Crime No.143 of 2025, under sections 302 and 34 P.P.C, registered at P.S Orangi, Karachi, after his bail plea was declined by the learned Xth Additional Sessions Judge, Karachi West, vide order dated 05.06.2025.

2. The brief facts of the prosecution case are that on 01.05.2025 at about 2200 hours, the complainant was at home when one of the boys from the neighborhood came and informed him that his son had received knife injuries at the hands of Rasheed son the Muhammad Naseer, Nasir son of Muhammad Naseer, and Rizwan son of Rasheed). Upon receiving this information at about 1830 hours, the complainant proceeded to the street near the place of the incident, inside Pathani Masjid, Data Nagar, Sector 8-A, Orangi Town, Karachi. There he was informed that his son had been taken to Qatar Hospital for medical treatment, and from there, he was further informed that the deceased had been transferred to Abbasi Shaheed Hospital. When the complainant reached at Abbasi Shaheed Hospital, he was told that his son had succumbed to his injuries and had passed away. The friends of the deceased informed the complainant that at about 1600 hours, there had been a quarrel between Aziz and Rasheed, during which people present at the scene had intervened to resolve the issue. However, at about 1800 hours, Aziz returned with his friends, and another quarrel broke out. During this altercation, Rasheed attacked Aziz from the left side, stabbing him in the chest with a knife. As a result, Aziz sustained a fatal injury and died. The complainant further stated that the reason

for the quarrel was related to Kainat, a girl with whom the deceased, Aziz had a relationship. It is alleged that due to a family rivalry involving Kainat, the family members of Kainat killed Aziz. The complainant has filed this FIR against the aforementioned individuals for the commission of the crime and he seeks legal action.

3. The learned counsel for the applicant submits that she is innocent and has been falsely implicated in the alleged offence due to malafide intentions and ulterior motives of the complainant; that the learned trial Court passed the impugned order without applying judicial mind based on misreading and non-reading of the material facts; that there is only allegation against the applicant is that she had a love affair with the deceased, which allegedly led his family to kill him; that no direct role has been assigned to the applicant in the commission of the offence, nor was she present at the scene; that the applicant being a woman is entitled to the concession of bail under section 497 (1) Cr.P.C. No specific role is attributed to her in the FIR or the challan. Only general allegations; that the prosecution has failed to establish the alleged relationship between the applicant and the deceased; that the allegations are based on presumption and conjecture, lacking evidentiary value under Articles 38 and 39 of the Qanoon-e-Shahadat Order. Although the incident occurred in a populated area and the FIR mentions the presence of the deceased's friends, none have come forward as eyewitnesses, casting further doubt on the prosecution's version; that the applicant has been in custody since her arrest, the investigation is complete, and she is no longer required for investigative purposes. There is no likelihood of her tampering with evidence or influencing witnesses. The case calls for further inquiry, and she is therefore entitled to bail as a matter of right. He lastly prays for grant of bail to the applicant/accused.

4. On the other hand, the learned Additional Prosecutor General, Sindh vehemently opposed the grant of bail on the ground during interrogation, the applicant/accused confessed to her guilt along with co-accused and admitted to having committed the murder of the deceased by inflicting injuries with a sharp edged weapon. She submits that the applicant/accused is involved in a heinous offence,

which falls within the prohibitory clause of section 497 Cr.P.C, and in such type of cases, the grant of bail is not a matter of right for the accused. Therefore, she prayed for the dismissal of the bail plea of the applicant/accused.

5. I have heard learned counsel for the parties and have gone through the material available on the record. It is an admitted position that the applicant is a family person and has not been categorically nominated in the FIR. The only role attributed to her is that she was allegedly the reason behind the murder. No doubt, murder is a heinous offence. However, a person who was neither present at the scene nor directly involved in the commission of the offence cannot be punished solely on vague and unsubstantiated allegations. Mere implication in the case, without any specific role or evidence, should not result conviction and would only cause humiliation to a lady if kept behind the bars. The challan has already been submitted before the trial Court, and the investigation stands concluded. The applicant/accused deserves the concession of bail at this stage. No further statements or evidences have been brought on record to connect her with the actual commission of the crime. Reliance is placed on the judgment reported as 2023 SCMR 887, wherein the Hon'ble Supreme Court held that even in murder cases, bail may be granted to women accused under Section 497(1) Cr.P.C. similarly principle was hold in 2011 SCMR 902, emphasizing that bail should not be refused solely on the basis of vicarious liability unless supported by concrete evidence linking the accused to the offence. Such an observation should also go in favour of the applicant/accused. The applicant/accused is in jail, her further detention will not improve the prosecution case as challan of the case has been submitted, hence she is no more required for further investigation. In these circumstances, keeping the applicant/accused behind bars for an indefinite period on the basis of weak evidence is not justified.

6. In such circumstances, I am inclined to grant bail to the applicant/accused namely **Mst. Kainat daughter of Rasheed** is admitted to bail subject to furnishing a solvent surety in the **sum of**

Rs.50,000/- (Rupees Fifty Thousands Only) and a P.R. bond in the like amount to the satisfaction of learned Trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

8. The instant Crl. Bail Application stand disposed in the above terms.

JUDGE

Manthar Brohi