

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.466 of 2025

Applicant : Muhammad Jamil, through Syed Huzaifa Shah, Advocate.

Complainant : None present for the complainant.

Respondent : The State, through Mr. Muhammad Noonari, D.P.G.

Date of Hearing : 17.11.2025

Date of Order : 17.11.2025

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ORDER

TASNEEM SULTANA, J: Through this criminal bail application, the applicant Muhammad Jamil seeks pre-arrest bail in Crime No.887 of 2021 under Sections 324 PPC, registered at Police Station Pakistan Bazar. Earlier same relief was granted by the learned Xth Additional Sessions Judge, Karachi West but was recalled vide order dated 07.02.2025.

2. Brief facts of the prosecution case are that on 09.09.2021, the statement of injured Saira was recorded under Section 154 Cr.P.C. at Abbasi Shaheed Hospital, where she and her son Jaseem were admitted for treatment under ML No.8258/21. She disclosed that her ex-husband, Muhammad Jameel (present applicant), had divorced her on 01.06.2021 and had threatened to kill her and her children. On the day of incident, at about 6:30 a.m., while she was sleeping in her room and her son Jaseem in another, she heard his screams. On rushing out, she allegedly saw the applicant/accused armed with a knife, causing injuries to her son. Upon seeing her, the accused allegedly attacked her with the same knife, causing injury on her neck. Thereafter, the accused fled from the spot. The neighbours shifted both injured to Abbasi Shaheed Hospital. Hence, the instant FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with malafide intention and ulterior motives; that the narrative presented in the FIR is patently absurd and fail to appeal to any judicious or prudent mind that after lapse of three months of divorce to her wife, the applicant in absence of any prior altercation or provocation suddenly and

inexplicably resorted to stabbing his own son; that the FIR alleges that only the complainant and the injured son were present at the time of incident with no mention of any other individual, whereas the statement recorded under section 161 Cr.P.C reveals the presence of other sons; that the applicant is ready to face the trial, therefore, he deserves the concession of bail.

4. Conversely, learned D.P.G. opposed the plea for bail and contended that the applicant/accused is specifically nominated in the FIR with a clear and direct allegation of having attempted to murder his real son and ex-wife; that the incident is supported by the prompt statement of the injured recorded under Section 154 Cr.P.C. at the hospital, which carries strong evidentiary value at this stage; that both injured persons received serious knife injuries, including on vital parts of the body, demonstrating the applicant's clear intention to commit their murder; that the offence falls within the prohibitory clause of Section 497 Cr.P.C. and the allegations attract severe penal consequences; that the medical evidence fully corroborates the ocular account, hence no ground for confirmation of bail is made out.

5. Heard. Record perused.

6. From a tentative assessment of the available material, it appears that the applicant is named in the FIR and the allegation finds initial support from the prompt statement of the injured recorded under Section 154 Cr.P.C at the hospital. The medical certificates also reflect injuries on the complainant and her son. However, at this stage, the precise circumstances in which the incident occurred, the manner of assault, and the presence or conduct of other family members mentioned in the 161 Cr.P.C statements require cautious evaluation, as these aspects are yet to be clarified through evidence at trial.

7. The record further shows that although both injured persons were allegedly shifted to the hospital by neighbours, no independent witness from the locality has been associated during investigation. These features, when considered together with the domestic setting of the occurrence and the conflicting indications regarding who was present at the time of the incident, introduce elements which cannot be resolved without deeper appreciation of evidence. Since such deeper scrutiny is not permissible at the bail stage, the case, in its

present form, appears to fall within the ambit of further inquiry in terms of Section 497(2) Cr.P.C. When the case calls for further inquiry into guilt of accused within the meaning of Section 497(2) Cr.P.C., the accused is entitled to bail as of right. Reliance is placed on the case of *Salman Mushtaq & others v. The State through P.G Punjab and another* (2024 SCMR 14) wherein Hon'ble Supreme Court has held as under:-

“6.....While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.....”

8. In view of the above facts and circumstances, interim pre-arrest bail already granted to the applicant/ accused vide order dated 25.02.2025 was confirmed on same terms and conditions by a short order dated 17.11.2025 and these are the reasons for the same.

9. The applicant shall attend the trial regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail according to law. The observations made herein are tentative in nature and shall not prejudice either party at trial.

JUDGE

Ayaz Gul