

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3430 of 2025

Applicants : Wahid Hussain son of Manzoor Hussain, (2) Habibullah son of Ali Nawaz and (3) Abdul Kabeer son of Wazeer Ali, Through: Mr. Aswad Ali Chouhan, Advocate

Complainant : Mst. Niaz Begum, Through: Mr. Muhammad Daud Narejo, Advocate

The State : The State: Through Mr. Khadim Hussain, Additional Prosecutor General, Sindh

Date of hearing : 17.02.2026

Date of Order : 17.02.2026

ORDER

Jan Ali Junejo, J:-- The applicants, namely (1) Wahid Hussain son of Manzoor Hussain, (2) Habibullah son of Ali Nawaz and (3) Abdul Kabeer son of Wazeer Ali, seek pre-arrest bail in Crime No.753 of 2025 registered at Police Station Manghopir, District West, Karachi, for offences under Sections 147, 149, 354, 448, 452, 506 PPC, with subsequent addition of Section 354-A PPC. The applicants were earlier denied pre-arrest bail by the learned Additional District & Sessions Judge-XI, Karachi West vide order dated 03.12.2025. Thereafter, this Court granted them interim pre-arrest bail on 11.12.2025 subject to surety. The matter is now fixed for confirmation or otherwise.

2. As per the FIR lodged by complainant Mst. Niaz Begum, it is alleged that on 06.10.2025 at about 7:30 p.m., the applicants along with other co-accused, in furtherance of their common intention,

unlawfully entered her plot situated at Gulshan-e-Toheed, Manghopir, assaulted her, tore her clothes, outraged her modesty and extended threats of dire consequences. The FIR was registered on 09.10.2025 under Sections 147, 149, 354, 448, 452 and 506 PPC, and subsequently Section 354-A PPC was added during investigation.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated due to an ongoing civil dispute regarding ownership and possession of plots bearing Nos. RB-19 and RB-20 situated at Gulshan-e-Toheed. It was argued that applicant Wahid Hussain had purchased the subject property through a sale agreement dated 07.01.2025 and the dispute is essentially civil in nature. It was further submitted that the FIR was lodged after unexplained delay of three days; the allegations are general and omnibus in nature; no specific overt act has been attributed to each applicant; and the ingredients of Section 354-A PPC are not prima facie made out. Learned counsel emphasized that initially Section 354 PPC, which is a bailable offence, was applied and only later Section 354-A PPC was added. The applicants have joined investigation pursuant to interim protection and have not misused the concession of bail. Prayer was made for confirmation of pre-arrest bail.

4. Conversely, learned counsel for the complainant, vehemently opposed the bail application and argued that the applicants, in concert, forcibly dispossessed the complainant and committed grave

acts including outraging her modesty, which squarely attracts Section 354-A PPC, an offence carrying punishment falling within the prohibitory clause. It was submitted that the ocular account fully supports the prosecution version and establishes the active participation of the applicants. The sale agreement relied upon by the applicants is prima facie suspicious, as the E-stamp paper was issued on a date subsequent to the one mentioned in the purported agreement, thereby indicating fabrication. In these circumstances, it was argued that the applicants do not deserve the extraordinary relief of pre-arrest bail, and a prayer was made for dismissal of the bail application.

5. The learned Additional Prosecutor General opposed the bail application and contended that the applicants are involved in forcible dispossession of the complainant and committed serious acts including outraging her modesty. It was argued that eyewitnesses have supported the prosecution case and Section 354-A PPC carries punishment falling within the prohibitory clause. It was further contended that the sale agreement relied upon by the applicants appears to be forged, as the E-stamp paper was issued subsequent to the date mentioned in the agreement. Prayer was made for dismissal of the bail application.

6. I have considered the arguments advanced by learned counsel for the parties and have examined the material available on record. Admittedly, a dispute regarding ownership and possession of the subject property exists between the parties. The material placed on

record indicates that civil proceedings are either pending or contemplated, which prima facie suggests that the criminal proceedings may have stemmed from such dispute. At this tentative stage, mala fide cannot be ruled out. The allegations in the FIR are general in nature and no specific role has been assigned to each of the present applicants regarding the alleged act of outraging modesty. The FIR was lodged with delay of three days; though not fatal, the same is a circumstance requiring consideration. It is also significant that initially Section 354 PPC was incorporated in the FIR, which is a bailable offence. Subsequently, Section 354-A PPC was added during investigation. At this stage, it is yet to be determined through evidence whether the applicants committed any specific act attracting Section 354-A PPC and whether its essential ingredients are fulfilled. Such determination requires deeper appreciation of evidence, which is beyond the scope of tentative assessment at bail stage. The mere addition of Section 354-A PPC at a later stage, without specific attribution of role and without independent corroborative material presently available on record, would not automatically disentitle the applicants from the concession of pre-arrest bail. The applicants have remained on interim pre-arrest bail since 11.12.2025 and there is nothing on record to show misuse of concession, non-cooperation with investigation, or attempt to influence witnesses. Pre-arrest bail is an extraordinary relief meant to protect a person from humiliation and unjustified arrest. Considering the totality of circumstances, existence of civil dispute, general nature of allegations, bailable nature of the originally

applied section, and conduct of the applicants during interim bail, I am of the considered view that the applicants have made out a case for confirmation of pre-arrest bail.

7. For the foregoing reasons, Criminal Bail Application No.3430 of 2025 is allowed. Consequently, the ad-interim pre-arrest bail granted to applicants namely (1) Wahid Hussain son of Manzoor Hussain, (2) Habibullah son of Ali Nawaz and (3) Abdul Kabeer son of Wazeer Ali in Crime No.753/2025 registered at Police Station Manghopir, District West, Karachi, vide order dated 11.12.2025 is hereby confirmed on the same terms and conditions. Needless to observe that the observations made herein are tentative in nature and shall not prejudice the case of either party during trial. These are the detailed reasons of the Short Order dated: 17-02-2026.

JUDGE

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