

# **THE HIGH COURT OF SINDH AT KARACHI**

## **Criminal Bail Application No.2891 of 2025**

Applicant : Yaseen son of Nazar Muhammad through Mr. Muhammad Riaz Abbasi, Advocate

The State : Through Mr. Ms. Rubina Qadir, Additional Prosecutor General, Sindh along with SIP-Niaz-ul-Hassan and IO-Niaz Hussain

Date of hearing : 07.01.2026

Date of decision : 07.01.2026

### **ORDER**

**Muhammad Osman Ali Hadi, J.-** By means of this Criminal Bail Application, Applicant–Yaseen son of Nazar Muhammad, seeks post-arrest bail in case, emanating from Crime No.268 of 2025, registered at Police Station Gulshan-e-Maymar, Karachi, for offence punishable under Section 302, 34, PPC, after his such bail plea has been declined by the learned Additional Sessions Judge-X Karachi West by dismissing his bail application *vide* Order dated 14.10.2025.

2. Learned Counsel for the Applicant submits that the Applicant/ Accused is the true Father of the Deceased, and that there has been no motive attributed to him for implicating him in the said crime. He submits that the Applicant/ Accused was not even present in the premises at the time such incident was alleged to have occurred, and that there is neither any evidence, ocular or otherwise, which would place the Applicant at the scene of the crime during its occurrence. Furthermore, he has referred to the Charge Sheet and Statement under Section 161 Cr.P.C.,<sup>1</sup> which, he submits, displays that the true Mother of the Deceased, herself states that the Applicant was not present at such time of the incident, and the Applicant was only summoned back to the premises after the alleged incident occurred. Moreover, learned Counsel submits that the Applicant/ Accused has been incarcerated for around six [06] months, and the trial has not yet commenced. He further submits that the Husband of the Deceased, namely, Noor Muhammad may be responsible for the crime, but the Applicant categorically states he holds absolutely no nexus with the commission of this alleged crime.

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<sup>1</sup> Available at Pages 31 - 35 of the Court File

4. Learned Additional Prosecutor General, Sindh present in Court, submits that the Applicant is married to the sister of the primary accused, i.e. Noor Muhammad, and that there was a common intention created to carry out this heinous crime against the Deceased. She further relies upon the Charge Sheet and Statement and submits that as per the said documents, the true Mother of the Deceased has stated that the Accused was at such time staying in the house of the Deceased where the incident is said to have occurred. She further submits that the plea of not being at the premises during the time of the incident was not taken by the Applicant before the Trial Court, and concludes that on the basis of the said Charge Sheet & Statement, this Bail Application should be denied.

5. The Investigating Officer, namely, Niaz Hussain submits that he was handed over the investigation by SIP Niaz-ul-Hassan, and further states that whatsoever evidence is available against the Applicant/ Accused has been stated in the Charge Sheet. He has further referred to the Statement under section 161 Cr. P.C. and states that he has based his findings on such Statement.

6. I have heard learned Counsel for the Parties and perused the File along with their able assistance. Although, the crime is of a heinous nature for which grant of bail is not an automatic right, however, the entire basis of the prosecution's case against the Applicant/ Accused relies upon the said Charge Sheet & Statement. Whilst it is accepted that the Charge Sheet and Statement of the true Mother of the Deceased states that the Applicant was residing at the premises where the alleged incident occurred; however, the same Statement has also shown that the Applicant/ Accused was out at the sabzi mandi at such time, from which he was summoned back to the premises by the brother of the Deceased after the incident occurred.

7. Learned Additional Prosecutor General Sindh was confronted with this portion of the Statement, which goes against the prosecution's version that the Applicant was present at the premises, but she was unable to provide any response. The Investigating Officer also present before the Court was asked about the same, to which he also has remained unable to provide any cogent response.

8. I have further enquired from both the learned A.P.G. and Investigating Officer, as to whether there has been any other evidence connecting the Applicant to the crime through tangible and/or ocular evidence or witness statements, to which they both replied in the negative. Furthermore, any motive for the Applicant/ Accused, i.e. being the true

Father of the Deceased, to have been involved in such a heinous crime against his own daughter, has also not validated by the prosecution at this juncture.

9. The Applicant has been accused at such time purely on the basis of a (inconsistent) Statement, and without any other evidence currently available on record. No prior allegations of any crime or harsh behavior have been shown by the Applicant against the Deceased. The allegation of the Applicant allegedly being at the premises during the time of incident has also not been substantiated at this stage, and would require further investigation/ enquiry. No specific role has been attributed to the Applicant regarding the actual carrying out of the crime.<sup>2</sup>

Accordingly, the instant Criminal Bail Application is **allowed** and Applicant-Yaseen son of Nazar Muhammad is admitted to post-arrest bail in Crime No.268 of 2025, registered at Police Station Gulshan-e-Maymar, Karachi, for offences punishable under Section 302, 34 PPC, subject to furnishing of two solvent sureties in the sum of **Rs.100,000/- [Rupees One Hundred Thousand Only]** and Personal Bond in the like amount, to the satisfaction of the learned Trial Court.

10. The observations hereinabove are tentative in nature and are **specifically confined to the decision of this Bail Application only**. The Trial Court shall not be influenced by the same, and shall adjudicate the matter strictly based on the law and evidence led before it. The instant Criminal Bail Application stands **allowed** in the above terms.

**JUDGE**

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<sup>2</sup> Legal reliance is placed on *Noor Agha v The State* 2025 SCMR 1679; *Zulqarnain Haider v The State* 2025 SCMR 1457; *Muhammad Shakeel v The State* PLD 2014 SC 458.