

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 753 of 2026

Applicant : Muhammad Usama Imam
son of Muhammad Ilyas Gujjar
Through Mr. Ahmed Ali Gabol, advocate

Complainant : Syeda Hira Zaidi
W/o. Muhammad Usama Imam
through Mr. Sikandar Ali Shar, advocate

Respondent : The State
Through Mr. Muhammad Mohsin, A.P.G
Sindh

Date of hearing : 15.06.2026.

Date of order : 15.06.2026.

ORDER

Jan Ali Junejo, J.— Applicant Muhammad Usama Imam son of Muhammad Ilyas Gujjar seeks pre-arrest bail in a case bearing Crime No. 99/2025, for offence under section 363/380/337-J/365-A PPC of P.S Airport, Karachi. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-IV, Malir at Karachi, which was declined vide order dated 05.03.2026. He was admitted to interim pre-arrest bail by this court vide order dated 06.03.2026, now the matter is fixed for confirmation of interim bail or otherwise.

2. The prosecution case, as narrated in FIR No. 99/2025, is that the complainant, Mst. Syeda Hira Zaidi, daughter of Syed Arshad Hassan Zaidi and wife of the present applicant/accused, stated that her marriage with the applicant was solemnized on 21.05.2021, and from the wedlock a daughter, Aayzal Imam, aged about two years, was born. According to the complainant, the applicant, who works as a travel agent in Saudi Arabia, initially called her to Saudi Arabia and later sent her back to her in-laws' house. In November 2022, she was again taken to Saudi Arabia and subsequently to the United States, where their daughter was born on 06.03.2023. She returned to Pakistan on 27.03.2023 and thereafter resided with her parents along with the minor child, occasionally visiting Saudi Arabia. The complainant alleged that on 25.05.2025 at about 5:00 p.m., upon the applicant's telephonic invitation to meet him at Room No. 405, Ramada Plaza Hotel, she went there, where he allegedly procured and compelled her to consume "ice" (methamphetamine), causing her to become unconscious. She further alleged that on 29.05.2025 at about

2:30 p.m., hotel staff awakened her for check-out and informed her that the applicant was not responding to calls, whereupon she discovered that her minor daughter, gold bangles, bracelet, cash amounting to Rs.500,000/-, original passport, and CNIC were missing. She contacted her family and later received a Snapchat call from the applicant, who allegedly informed her that he had taken the child far away and that she could do nothing about it. Upon inquiry, she allegedly learned that the applicant had taken the minor child forcibly and was demanding money in relation to the child. Consequently, she accused the applicant of kidnapping the minor, administering an intoxicant, committing theft of valuables and cash, and unlawfully removing the child from her custody, hence, this FIR.

3. Heard and perused record.

4. As per the contention of the learned counsel for the applicant, the applicant submits that the applicant is innocent and has been falsely implicated by the complainant with mala fide intentions arising out of a matrimonial dispute between the spouses, which has been given a criminal colour to exert pressure upon the applicant. He contends that the applicant is the biological father and natural guardian of the minor child; therefore, the allegation of kidnapping under Section 363 PPC is misconceived, particularly when no custody order existed restraining him from taking or retaining the child. Learned counsel further argues that a video recording is available on record showing that the complainant voluntarily permitted the applicant to take the minor child with him, thereby negating the allegation of kidnapping or use of force. He further submits that the FIR was lodged on 07.06.2025 despite the alleged occurrence having taken place on 29.05.2025, and the unexplained delay in registration of the case casts serious doubt upon the prosecution story. It is also contended that the allegations under Sections 365-A and 337-J PPC were found to be baseless during investigation and were consequently deleted, as no evidence of ransom demand surfaced and the complainant declined to undergo medical examination. Learned counsel lastly submits that the allegation of theft under Section 380 PPC is equally without substance, as no alleged stolen property has been recovered from the applicant and the complainant has merely relied upon old purchase receipts of jewelry without establishing that the applicant ever removed the said articles; therefore, he prays that the pre-arrest bail be confirmed.

5. The A. P. G. Sindh while not opposing the grant of bail, recorded his no objection to the instant application in view of the affidavit of no objection filed by the complainant, same is taken on record, wherein she has expressly raised no objection to the applicant being admitted to bail.

6. Notably, the complainant has since submitted an affidavit in which she has raised no objection to the grant of bail to the applicant. This has resulted in two conflicting versions, one set forth in the FIR and the other contained in the complainant's affidavit. Such divergence creates a situation where the veracity of the complainant's statement and her credibility can only be determined at the time of trial, after the recording of evidence. Accordingly, the interim bail already granted to the applicant vide order dated 06.03.2026 is confirmed on same terms and conditions.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

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