**ORDER SHEET.**
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**
**JUDICIAL DEPARTMENT.**

**Criminal Miscellaneous No. 1626-B of 2025**

**MUHAMMAD HAMMAD**
Versus
**THE STATE AND OTHERS**

| S. No. of order/ proceedings | Date of order/ proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|---|---|---|
| | **28.10.2025** | **M/s Khan Mulk Tarrar, Azeem ul Haq Alvi and Ms. Afia Anwar, Advocates for the Petitioner.**<br>**Rana Hassan Abbas, ADPP.**<br>**Mr. Mansoor Ahmad, Inspector/I.O., P.S. Khanna.** |

**C.M. No. 01/2025:**

1. Through the instant Application the Petitioner seeks placement of certain additional documents on record.

2. The Application is allowed subject to all just and legal exceptions.

**C.M. No. 02/2025:**

Exemption sought for is allowed subject to all just and legal exceptions.

**MAIN CASE:**

1. Through the instant petition, the Petitioner is seeking post-arrest bail in FIR No. 149/25 dated 22.01.2025 for the offence under Section 336-B P.P.C. registered with P.S. Khanna, Islamabad **("Subject FIR")**.

2. Brief facts as per the contents of the F.I.R. are that the Complainant, Mst. Ramsha daughter of Muhammad Nawaz, resident of Nazakat Market, Sohan, Islamabad, submitted a written application

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to the Station House Officer, Police Station Koral, Islamabad, stating that she had been married approximately three years ago to the Petitioner [Muhammad Hammad son of Muhammad Jameel], resident of *Satra Meel***,** near Phool Hotel, Bhara Kahu, Islamabad. According to the Complainant, the Petitioner was addicted to drugs, and within two to three months of the marriage, he began subjecting her to severe physical abuse without any justifiable reason. From the wedlock, they have a son named Shayan, aged about one and a half years. About a week prior to the incident, her husband again subjected her to violence and forcibly expelled her from their house, upon which she, along with her son, took refuge at her parents' home in Nazakat Market, Sohan. On 18.01.2025, the Petitioner came to her parents' residence and forcibly took away their minor son Shayan. Thereafter, on 22.01.2025, at about 6:00 p.m., the Petitioner once again came to her parents' house and demanded that she accompany him back. At that time, besides the Complainant, her uncle Muhammad Shaban, her mother Sumaira Bibi, her aunt Sakeena Bibi, her younger sister Umme Huriya, and other minor children were also present in the house. Upon her refusal to go with him, the Petitioner took out a bottle of acid hidden under his shawl and threw it on the Complainant with the intent to burn her. The acid splashed onto her right arm, causing serious burns, while some of it also hit her younger sister Umme Huriya's face and the nearby wall. After committing the heinous act, the Petitioner fled from the scene. The Complainant, along with her injured sister, appeared before the

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police to lodge a report, seeking legal action against the Petitioner. Upon receipt of the written complaint, the police recorded the Complainant's statement, and registered the Subject FIR.

3. The learned counsel for the Petitioner contended that the Petitioner has been falsely implicated in the instant case on the basis of a concocted and exaggerated version arising out of strained matrimonial relations. It was argued that the allegations are inherently improbable and unsupported by any independent or reliable evidence, and that despite the passage of nearly five months, the challan has not been submitted, amounting to a denial of the Petitioner's right to fair and speedy trial guaranteed under Article 10-A of the Constitution**.** The learned counsel further submitted that the alleged occurrence took place at the Complainant's parental home, a populated area, yet no independent witness or CCTV footage has been produced to substantiate the story narrated in the FIR. It was emphasized that no burn assessment report, chemical examiner's report, or recovery of any chemical substance is available on record, nor is there any forensic evidence linking the Petitioner to the alleged act, rendering the prosecution version highly doubtful at this stage. The learned counsel maintained that the FIR itself discloses prior domestic discord**,** suggesting a motivated and retaliatory complaint lodged after marital separation. It was urged that the continued detention of the Petitioner, in absence of incriminating material or completion of investigation, is unjustified, particularly when

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essential ingredients of the alleged offence, injury and intent remain unproven. Lastly, it was argued that the Petitioner has no previous criminal record, is a law-abiding citizen with deep roots in society, and undertakes to cooperate with the investigation and trial without tampering with evidence or influencing witnesses; hence, the Petitioner is entitled to the concession of post-arrest bail.

4. Conversely, the learned Assistant District Public Prosecutor **(ADPP)** opposed the bail petition, contending that the allegations against the accused are of a grave and heinous nature, involving an acid attack resulting in serious burn injuries to the Complainant and her sister. It was argued that the offence falls within the prohibitory clause and entails severe punishment, therefore, the accused does not deserve the concession of bail at this stage. On the other hand, the learned ADPP stated that sufficient material is available on record connecting the Petitioner with the commission of the offence, and that the challan has already been submitted before the Trial Court on 31.01.2025. It was further contended that the grant of bail in such a serious case may prejudice the trial and could enable the accused to influence witnesses or tamper with evidence; hence, the bail petition merits dismissal.

5. We have heard the learned counsel for the parties at length and perused the record with their able assistance.

6. The record reflects that the Petitioner is specifically nominated in the FIR with a clear and defined role, wherein it is alleged that he threw acid

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upon the Complainant and her sister, resulting in burn injuries. The FIR was lodged promptly, without any delay, which lends credence to the prosecution's version and negates the possibility of afterthought or deliberation. The medical report issued by PIMS Hospital confirms that the injuries sustained by the Complainant and her sister were caused by a corrosive substance, thereby corroborating the ocular account. Furthermore, the empty acid bottle allegedly used in the commission of offence was produced by the Complainant, and the *Naqsha-e-Mazroobi* was prepared by the Investigating Officer immediately after the occurrence which also corroborates and lends further support to the Complainant's version.

7. The offence under Section 336-B PPC pertains to causing hurt by corrosive substance and is punishable with imprisonment for life or imprisonment up to fourteen years along with fine. Thus, it falls within the prohibitory clause of Section 497 Cr.P.C. and is non-bailable in nature. In such like heinous offences involving violence, particularly where the victim has sustained serious burn injuries, the grant of bail is an exception and can only be considered where the prosecution's case appears inherently doubtful or lacks *prima facie* corroboration—circumstances which are not evident in the present case.

8. At this stage, the available evidence, including medical corroboration and recovery of the acid container, sufficiently connects the Petitioner with the alleged offence. The contention of the defense regarding non-availability of

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forensic report or independent witnesses does not, at this preliminary stage, discredit the otherwise consistent ocular and medical evidence, which can only be properly appreciated after recording of evidence at trial. The submission that the case is fabricated due to matrimonial discord also appears to be a defense plea, which cannot be conclusively determined at the bail stage.

9. In view of the foregoing, there exist reasonable grounds to believe that the Petitioner is *prima facie* connected with the commission of the alleged offence, which is grave, heinous, and falls within the prohibitory clause. The nature of the offence, the specific role attributed to the Petitioner, and the corroborative medical and physical evidence collectively disentitle him to the concession of post-arrest bail at this stage.

10. Accordingly, the instant petition for post-arrest bail stands **dismissed**.

11. All the observations made hereinabove are tentative in nature and shall have no bearing on the final determination of guilt or innocence by the learned trial Court.

12. It is pertinent to observe that the record reflects that the bail application of the Petitioner was earlier declined by the learned Judge, Special Court No. II (Anti-Terrorism), Islamabad. However, the offence under Section 336-B PPC is a scheduled offence under the Anti-Rape (Investigation and Trial) Act, 2021, and as such, the case is triable by the special Court established under Section 3 of the said Act**,** which exercises

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exclusive jurisdiction over offences specified in the Schedule**.** The office is, therefore, directed to communicate a copy of this order to the learned Trial Court so that appropriate steps may be taken to ensure that the case is tried by the competent court in accordance with law**.**

**(MUHAMMAD ASIF)**
**JUDGE**

**(MUHAMMAD AZAM KHAN)**
**JUDGE**

***Approved for reporting***
***Blue slip added***

Adnan/*

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