

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Application No. S-681 of 2025

Applicants : 1. Muhammad Shaban s/o Ameer Bux
2. Imran Ali s/o Wahid Bux
3. Muhammad Akram s/o Dhani Bux
4. Illahi Bux s/o Imam Bux
5. Haq Nawz s/o Shahmeer
6. Arbelo s/o Rabnawaz, all by caste Charan
Through Mr. Muhammad Ali Napar, Advocate

Complainant : Shoukat Ali s/o Allah Jiwayo, Bhutto
Through Mr. Aftab Hussain Bhutto, Advocate

The State : Through Mr. Muhammad Raza Kotohar, DPG

Date of hearing : 22.09.2025
Date of order : 29.09.2025

ORDER

KHALID HUSSAIN SHAHANI, J. –Applicants seek pre-arrest bail in a case bearing crime No. 115/2025, for offences under Sections 452, 395, 365-B, 114, 427, 506/2 PPC and 3 of TIP Act 2018, registered at Police Station Ubuaro, District Ghotki. Previously, their bail plea was declined by the Court of learned Additional Sessions Judge-II, Mirpur Mathelo vide order dated 05.08.2025.

2. The prosecution case, as per the FIR lodged by Shoukat Ali Bhutto on 5th July 2025 at 2100 hours, concerns an incident dated 7th June 2025 at about 1500 hours. The complainant alleges that the applicants, together with co-accused, armed with deadly weapons, forcibly entered his residence, abducted Mst. Benazir aged about sixteen years with the intent to compel her into marriage and illicit relations. Additionally, the complainant claims gold ornaments and cash were stolen and threats issued to his party.

3. Counsel for the applicants argued that the accused are innocent and have been falsely implicated due to prior enmity. He emphasized the unexplained delay of about one month in lodging the FIR, suggesting prior consultation and deliberation, undermining the genuineness of the complaint.

Furthermore, the Investigating Officer (I.O.) filed the final report under Section 173 Cr.P.C as 'B' class, indicating further inquiry is warranted. Counsel also contended the FIR contradicts principles enunciated in the Supreme Court's ruling in *Sughra Bibi's case*, primarily on the registration of counter FIRs. He highlighted that the witnesses in the case are close relatives of the complainant and hence interested parties.

4. On the opposing side, learned counsel for the complainant submitted that the delay in FIR registration was due to refusal by the Station House Officer (SHO) to immediately register the FIR, which was only affected after obtaining an order from the learned Ex.-Officio Justice of Peace. Regarding the I.O.'s 'B' class report, he pointed out that the Additional Sessions Judge-II, Mirpur Mathelo had, in the order dated 7th August 2025, under Section 22-A and B Cr.P.C, observed irregularities that, how the I.O was conducting the investigation, implying the investigation lacked fairness and honesty. He further relied on the statement of the abductee recorded under Section 164 Cr.P.C, which fully supports the FIR's allegations.

5. The Deputy Prosecutor General also opposed the bail application, underscoring that the alleged abductee named the applicants in her 164 Cr.P.C statement. Notably, the offences carry capital punishment and fall within the prohibitory clause of Section 497(1) Cr.P.C, which ordinarily bars bail. Therefore, the DPG prayed for dismissal of the bail application.

6. Upon detailed examination, the Court observed the admitted existence of mutual enmity between the parties centered on a dispute relating to passage through a street. A counter FIR of a similar nature was also registered by the applicants against complainant's side concerning an incident on the same date and time, where reciprocal abduction allegations were made. The FIR preceding the instant case was lodged after an unaccounted delay of

about one month. Combined with the backdrop of animosity and the police submitting a 'B' class report that negates the allegations, the prosecution case against applicants suffers from serious doubt at this stage. These factors, taken together, make the matter fall within the ambit of further inquiry contemplated under Section 497(2) Cr.P.C.

7. There is nothing on record that after seeking interim pre-arrest bail, applicants have misused its concession or attempts to tamper with witnesses; rather cooperated with the investigation. Considering the principle that pre-arrest bail protects personal liberty from mala fide arrests or irreparable harm, the Court is persuaded the applicants have established sufficient grounds for confirmation of interim bail.

8. Accordingly, the interim pre-arrest bail granted vide order dated 8th August 2025 stands confirmed on the same terms and conditions. It is clarified that the observations made herein are tentative in nature and shall not prejudice the trial court's ultimate decision on the merits of the case.

J U D G E