

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-985 2025

Applicant : Ghulam Jaffar s/o Piaro Khan, Khaskheli
(Now confined at Central Prison Khairpur)

Crl. Bail Appln. No. S-1115 of 2025

Applicant : Rashid Ali @ Rashoo son of Jaro Khan Panhwar
(Now confined at Central Prison Khairpur)
Through Mr. Ghulam Rasool Narejo, Advocate for both applicants

Complainant. Mukhtiar Hussain s/o Sikandar Ali Narejo.
Through Mr. Manzoor Hussain Narejo, Advocate

The State : *Through* Mr. Muhammad Raza Katohar, DPG

Date of Hearing : 04.12.2025

Date of Decision : 04.12.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— This consolidated order disposes of the bail applications filed by the above-named applicants seeking post-arrest bail in a case bearing crime No.215 of 2025, for offence under Section 365-B PPC, registered at Police Station Shaheed Murtaza Mirani/A-Section, Khairpur. Previously, both applications were dismissed by the learned Additional Sessions Judge-IV (GBVC), Khairpur, via orders dated 29.09.2025 and 30.09.2025 respectively.

2. The prosecution's case, as narrated in the FIR lodged by the complainant Mukhtiar Hussain on 17.07.2025, is that in the morning of 15.07.2025, at about 05:00 a.m., the complainant along with his mother, Mst. Zameera Khatoon, his sister Shehla Gul @ Muskan, and other family members woke to offer the Fajr prayer. At that moment, a white carry van arrived at their residence, from which five armed men alighted. The complainant identified four of them as Abdul Majeed, Qalandar Bux, Akram Ali, and Asad Ali, as belonging to the Nareja caste. These accused, at gunpoint, forcibly abducted his sister Shehla Gul @ Muskan by dragging her into the van with the express intention of seducing her into illicit intercourse or compelling her into a forcible marriage. Upon these allegations, a criminal case was registered.

3. The learned counsel for the applicants vehemently argued that the applicants are innocent and falsely implicated due to malafide intentions and ulterior motives harbored by the complainant. Emphasis was placed on the three days delay in lodging the FIR, which remained unexplained, casting doubt on the authenticity of the allegations.

4. Further, the counsel submitted that the applicants' names do not appear in the FIR but emerged only later through statements of the alleged abductee recorded on 06.08.2025 and 30.09.2025 under sections 161 and 164 Cr.P.C, respectively. Such delayed incrimination raises serious questions regarding the veracity of their involvement.

5. Counsel pointed out multiple contradictions between the ocular account stated in the FIR and the abductee's statements, particularly about the number of accused and the vehicle used in the alleged abduction. They also brought forth documentary evidence showing that the alleged abductee had entered into a registered '*Nikahnama*' with one of the accused, Shahid Hussain, with whom she seemingly entered a consensual love marriage.

6. Supporting this, an affidavit affirming her free will was provided, along with the disclosure of Family Suit No.378 of 2025 filed by the alleged abductee against the same co-accused, Shahid, for jactitation of marriage. These submissions indicate the presence of a complex familial and personal relationship that undermines the charge of abduction forcibly committed by the applicants.

7. Counsel further highlighted that the case has been challaned, and the applicants are no longer necessary for investigation, emphasizing their entitlement to bail under these circumstances.

8. In opposition, the learned Deputy Prosecutor General, supported by the complainant's counsel, contended that the applicants are involved in a grave offense under Section 365-B PPC and that the statements recorded under sections 161 and 164 Cr.P.C. specifically implicate the applicants.

9. The complainant produced the certified copy of Family Suit No.378 of 2025, emphasizing the criminal nature of the offense, which falls under the prohibitory clause of Section 497(1) Cr.P.C., thereby ordinarily restraining the grant of bail. It was also stressed that the case is still under investigation, and the applicants are requisite for the trial process.

10. Upon a meticulous review of the case record and hearing the arguments of learned counsel, certain critical observations emerge.

11. The FIR alleges that five accused, including an unidentified individual, arrived at the complainant's residence early in the morning and forcibly abducted Shehla Gul @ Muskan at gunpoint. However, the FIR was lodged two days later, a delay that remains unjustified on record.

12. Notably, the applicants' names are absent from the FIR and appear only in statements recorded well after the incident, especially from the alleged abductee who implicated nine accused, including the applicants, in her statements under sections 161 and 164 Cr.P.C.

13. Importantly, the alleged abductee's statements do not accuse the applicants of forcible sexual intercourse or compulsion to marriage, significantly weakening the prosecution's case against them. The existence of a *Nikahnama* and an affidavit stating the alleged abductee's free will, coupled with the institution of a Family Suit for jactitation of marriage against co-accused Shahid Hussain, prima facie suggests a consensual relationship rather than abduction or coercion.

14. Furthermore, glaring inconsistencies between the FIR's narration and the abductee's statements in terms of the number of accused and the vehicle used, create considerable doubt that can only be resolved at trial after full evidence appreciation.

15. Binding jurisprudence mandates that bail applications must be adjudicated on a tentative assessment of the evidence without delving into a detailed scrutiny that is the exclusive domain of trial courts.

16. Given these tentative contradictions, unexplained delays, and the absence of forcible allegations against the applicants, their case fits within the ambit of 'further inquiry' envisaged under Section 497(2) Cr.P.C, warranting the grant of post-arrest bail.

17. Accordingly, the bail applications filed by Ghulam Jaffar and Rashid Ali are hereby allowed. The applicants shall be released on furnishing solvent surety bonds in the amount of Rs.100,000/- (Rupees One Hundred Thousand) each, along with personal bonds of the like amount, subject to the satisfaction of the learned trial court.

18. It is emphasized that these observations are tentative and made solely for the purpose of bail disposal; they shall not prejudice the rights of either party at the trial.

19. The office is directed to place a signed copy of this order in the connected matter.

J U D G E