

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-960 2025

Applicants : 1) Abdul Shakoor son of Ghulam Mustafa @ Master.
2) Ali Hassan s/o Ghulam Muhammad @ Ghulam Fareed
3) Zahid Hussain s/o Ghulam Muhammad @ Ghulam Fareed
All by caste Shaikh, R/O village Ayo Dakhan, Taluka
Daharki, District Ghotki
Through Mr. Shabbir Ali Bozdar, Advocat

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 application seeks confirmation of the ad-interim pre-arrest bail that was earlier granted to the applicants on 06-10-2025 in a case bearing crime No.63 of 2025, registered at Police Station Wasti Jeewan Shah for offences under Sections 365-B, 363, 382, 34 of the Pakistan Penal Code and Section 3 of the Trafficking in Persons Act, 2018.

2. The prosecution's case, as narrated in the FIR lodged by the complainant, Ghulam Rasool Shaikh, on 11.07.2025, reveals that Mst. Rukhsana, is his lawful wife, with whom he has six children. On the night of 15.03.2025, while the family was asleep, solar bulbs lit and around 11:30 p.m. a sudden disturbance awoke them. The complainant alleged that accused Zakir Hussain Shaikh confronted Mst. Rukhsana with a pistol, forcibly attempting to abduct her for the purpose of marriage and *zina* (forcible intercourse). Simultaneously, Ali Hassan restrained and dragged the complainant's ten-year-old daughter, Sumera. Meanwhile, Zahid Hussain Shaikh and Abdul Shakoor Shaikh broke the lock of an iron box in the house, stealing Rs.200,000 in cash. The accused then forcibly abducted both woman and girl in a car parked outside. The complainant maintained that out of fear, they remained silent, and initially the accused placated them with false promises for the return of the abductees and money. Eventually, when the accused refused to comply, the complainant approached the police to report the incident.

3. Counsel for the applicants argued that the accused are innocent and have been falsely implicated due to an underlying personal dispute with the complainant. A significant delay of nearly four months in the filing of the FIR was highlighted, contesting the genuineness and reliability of the prosecution's case. It was further submitted that identification during nighttime under solar bulb lighting is inherently weak, casting doubt on the correctness of the alleged identifications. Importantly, it was emphasized that Mst. Rukhsana, one of the key alleged abductees, appeared before the Court and filed an affidavit expressly exonerating the applicants from all wrongdoing. This affidavit, they argued, exposes malice on the part of the complainant and warrants further inquiry rather than custodial detention.

4. Conversely, the learned Deputy Prosecutor General stated that since Mst. Rukhsana herself had affixed her signature to an affidavit absolving the applicants, the prosecution did not oppose confirmation of the pre-arrest bail, conceding that the *prima facie* case against the applicants appears weakened in light of this development.

5. Upon a meticulous assessment of the record, the facts emerge as somewhat contradictory. The FIR unequivocally implicates the applicants and co-accused in the serious offences of abduction and robbery, listing specific roles attributed to each accused. However, the affidavit sworn by the alleged abductee Mst. Rukhsana introduces a divergent narrative, wherein she categorically denies any wrongful act by the applicants. This material contradiction generates two irreconcilable versions presented before this Court, the prosecution's *prima facie* case as per the FIR, and the victim's affidavit negating the charges against these applicants.

6. Further compounding the questionable reliability of the prosecution's case is the inordinate and unexplained delay of over three months in lodging the FIR, which undermines the immediacy and credibility typically attendant to such grave allegations. Given that this delay remains unexplained,

it opens a reasonable space for suspicion regarding the motives behind the FIR and the true nature of the dispute.

7. In light of these findings, the present case squarely falls within the ambit of “further inquiry” as envisaged under Section 497(2) of the Criminal Procedure Code. The circumstances indicate reasonable grounds to believe that the applicants might have been maligned by the complainant’s interests, and custodial restraint at this stage would be unjustified.

8. Consequently, the applicants have established a *prima facie* case warranting the continuation of their pre-arrest bail status. Therefore, the interim pre-arrest bail granted earlier is hereby confirmed subject to the same terms and conditions. The applicants are directed to cooperate fully with the ongoing investigation and trial processes.

9. It is expressly clarified that the observations made herein are tentative and shall not prejudice either party’s position during the trial on merits.

J U D G E