

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

Cr. Bail Application No.S-314 of 2026

Applicant : Noor Ahmed son of Talib Notiar
Through Mr. Ghulamullah Chang,
Advocate

The State : Through Ms. Sana Memon,
Assistant P.G.

Date of hearing : 30.03.2026.
Date of order : 30.03.2026.

ORDER

RIAZAT ALI SAHAR, J.- The applicant, having been declined bail by the learned Trial Court, has filed the present application under Section 497 Cr.P.C., seeking post-arrest bail in Crime No. 21 of 2026, registered at Police Station Khoski, District Badin, in respect of offences punishable under Sections 377, 511, and 34 PPC.

2. Briefly stated, the prosecution case, as set out in the FIR, is that the complainant's son, Sajjad Ali, aged about 15 years, was returning from school on his motorcycle when he was intercepted and forcibly stopped by the accused. It is alleged that the accused dragged the victim towards a nearby forest with the intent to commit forced sodomy. Upon the victim raising an alarm, two witnesses, namely Muhammad Yaseen and Muhammad Idrees, reached the spot, whereupon the accused fled on their motorcycle. Thereafter, following an unsuccessful attempt at village mediation (Nekmards), the complainant approached the police and lodged the instant FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated due to an old dispute over agricultural accounts. He submits that there is an unexplained delay of approximately nine hours in lodging the FIR, despite the police station being at a distance of about 25/26 kilometers, which suggests

deliberation and consultation. It is further argued that the alleged incident occurred on a busy road, yet no independent witnesses have been cited, and the witnesses mentioned are closely related to the complainant. He lastly submits that since the charge falls under Section 511 PPC, the punishment is reduced, thereby taking the case out of the prohibitory clause of Section 497 Cr.P.C.

4. Conversely, learned counsel for the complainant, as well as the learned APG, have vehemently opposed the grant of bail, contending that the offence is heinous in nature and the applicant has been specifically nominated in the FIR.

5. I have heard the learned counsel for the parties and perused the available record with their assistance. Tentatively, it appears that there is a delay of about nine hours in reporting the matter, notwithstanding that the distance to the police station is only 25/26 kilometers. At this stage, such delay creates room for deliberation and possible false implication. Furthermore, although the incident is alleged to have occurred at about 1200 hours on a busy road near populated villages, the only witnesses cited are Muhammad Idrees and Muhammad Yaseen, who are closely related to the complainant. The absence of any independent witness from the locality renders the case one of further inquiry within the meaning of Section 497(2) Cr.P.C.

6. It is well-settled that in cases falling within the ambit of further inquiry, grant of bail is the rule and refusal is an exception. The material available on record, at this stage, is insufficient to establish reasonable grounds for believing that the applicant is guilty of the alleged offence. The factual controversy involved necessitates deeper appreciation of evidence, which can only be undertaken at trial. It is also a settled principle that personal liberty is a fundamental right guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973, and cannot be curtailed without compelling reasons. Continued incarceration of the applicant, in the present circumstances, would serve no useful purpose.

7. In view of the above, the case of the applicant squarely falls within the ambit of further inquiry. Consequently, this bail application, vide short order dated 30.03.2026, was allowed, and the applicant was admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. These are the reasons for the said short order.

JUDGE

Shahid