

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANO

1st Criminal Bail No.S-321 of 2026

Applicant: 1. Abdul Nabi
2. Waheed both sons of Sahaban
3. Safeer son of Abdul Nabi, all by caste Marri.
Through Mr. Shahbaz Ali M. Brohi, Advocate

Complainant: Mst. Hazooran Marri, (present in person)

The State: Through Mr. Aitbar Ali Bullo, Deputy
Prosecutor General, Sindh.

Date of Hearing: 21.09.2026

Date of Order: 21.09.2026

ORDER

RIAZAT ALI SAHAR, J.-. Through instant bail application, applicants Abdul Nabi, Waheed and Safeer all by cast Marri seek pre-arrest bail in the case emanating from F.I.R No.133/2026, registered at Police Station New Foujdari for offence punishable under Sections 376, 452, 506/2, 149, 34 P.P.C.. Prior to this, the applicants preferred their bail plea before the Trial Court i.e. III-Additional Sessions Judge, Shikarpur, which was declined vide order dated 29.06.2026; hence this bail application has been maintained.

2. The facts, in a nutshell, as per the F.I.R. are that on 16.06.2026 at about 11:00 p.m., while the complainant and her husband were present at their house, when they awakened on hearing some noise. Thereafter, the accused, namely Abdul Nabi, Waheed Ali and Safeer, allegedly armed with the pistols entered the complainant's house, accompanied by two unknown persons. The accused allegedly pointed their weapons at the inmates of the house. Thereafter, accused Abdul Nabi allegedly outraged the modesty of the complainant and took her towards a room, where he allegedly committed zina with her. It is further alleged that, owing to fear created by the display of weapons, the complainant remained silent. The accused thereafter allegedly extended

threats of dire consequences, including death, in case she lodged any complaint against them. Hence, the instant F.I.R. was lodged.

.3. Per learned counsel, the applicants/accused are innocent and have been falsely implicated in the instant case by the complainant with *mala fide* intention and ulterior motives. He contends that the F.I.R. was lodged with an unexplained delay of about seven days, which has not been satisfactorily explained by the complainant, thereby creating serious doubt regarding the veracity of the prosecution case and providing room for the possibility of false implication of the applicants. Learned counsel further submits that the chemical examination report as well as D.N.A reports are negating the allegations levelled against the applicant and the Investigating Officer has recommended the case to the concerned Judicial Magistrate for its disposal in the Cancel Class; however, no order has been passed as yet; that the allegation of committing rape., requires proper assessment and appreciation by the learned Trial Court after recording evidence. He further submits that the challan has already been submitted before the learned Trial Court and the applicant/accused are regularly appearing and attending the proceedings; hence, they are no longer required by the police for the purpose of investigation or any further inquiry. Lastly, learned counsel submits that the interim pre-arrest bail already granted to the applicants may kindly be confirmed on the same terms and conditions.

4. The complainant is present in Court, while learned Deputy Prosecutor General, Sindh, candidly submits that the Chemical Examination Report and D.N.A. Report do not indicate the detection of human sperm. However, he contends that the applicants/accused have been specifically nominated in the F.I.R. with specific roles attributed to them and, therefore, their involvement cannot be brushed aside at this stage.

5. I have heard learned counsel for the applicant/accused, learned D.P.G., Sindh, and the complainant, who is present in Court, and have carefully gone through the available record.

6. Admittedly, the applicants have been specifically nominated in the F.I.R. However, the F.I.R. was lodged after an unexplained delay of about seven days, which, at this stage, has not been satisfactorily explained by the complainant. Such delay, *prima facie*, raises a question requiring further inquiry into the circumstances in which the applicants came to be nominated in the F.I.R. It is also an admitted position that the Chemical Examination Report and D.N.A. report do not indicate the detection of human sperm. However, the evidentiary value and ultimate effect of the said reports are matters to be determined by the learned Trial Court after recording and appreciating the evidence. At this stage, only a tentative assessment of the available material is required, and it would not be appropriate to undertake a deeper appreciation of the evidence or record any definitive finding regarding the guilt or innocence of the applicants. There is also nothing on record to suggest that the applicants have misused the concession of bail or attempted to influence the prosecution witnesses. They are, therefore, no longer required by the investigating agency for the purpose of investigation. Moreover, the question of their ultimate guilt or innocence is yet to be determined by the learned Trial Court on the basis of the evidence to be recorded before it.

7. Accordingly, the bail application stands **allowed**. Consequently, the interim pre-arrest bail granted to the applicants/accused by this Court vide order dated 06.07.2026 is hereby **confirmed** on the same terms and conditions.

8. Nevertheless, it has been observed that the findings and observations made herein are purely tentative in nature and have been recorded solely for the purpose of deciding the present bail application. They shall not prejudice or influence the case of either party during the course of trial, which shall be decided strictly on the basis of the evidence adduced before the trial Court.

Judge

Manzoor