

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-869 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: (1).Irfan Ali S/O Muhammad Qaisar Rind
(2).Nisar Ahmed S/O Ali Gohar Rind
Through M/S Shabbir Ali Bozdar, Syed Hajjan Shah & Aaraf Soomro Advocate(s).

Complainant: Mst. Parveen W/O Dodo Rind,
Through Mr.Yar Muhammad Jalbani, Advocate.

The State: Through **Mr. Muhammad Raza Katohar, D.PG.**

Date of hearing & order: 22.10.2026.

Suresh Kumar J:- Through instant Criminal Bail Application, the applicants/accused Irfan Ali and Nisar Ahmed both by caste Rind seek their post arrest bail in Crime No.141/2026, offences U/Ss 376, 34 PPC registered at Police station Ubauro District Ghotki.

2. The crux of the prosecution's case, as depicted in the FIR, is that the applicants/accused allegedly facilitated the co-accused, Muhammad Afzal, in committing rape upon the complainant Mst.Parveen Rind. The FIR was registered by the complainant seven days after the incident."

3. The applicant/accused initially approached before the Court of Sessions Judge, Khairpur, for grant of pre-arrest bail which was dismissed by learned Addl. Sessions Judge-II /(GBV), Mirpur Mathelo vide order dated 01.09.2026. Being aggrieved by this dismissal order, the applicants/accused have approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh assisted by advocate for complainant. Learned D.P.G, and learned advocate for complainant have strongly opposed the grant of bail to the applicant/accused. The learned counsel for applicants/accused has relied upon the case of **Chelo and another v. The State (2020 YLR 1406).**

5. Having given due consideration to the arguments advanced by the parties' counsel and having perused the material available on record, it is revealed from the perusal of the FIR that the applicants/accused have allegedly assigned the role of facilitation to the co-accused, Muhammad Afzal, for the commission of zina with the complainant. However, the medical certificate reveals that no act of rape was committed. The delay of seven days has not been plausibly explained by the complainant; therefore, due deliberation and consultation cannot be ruled out. A specific role in the commission of rape is not assigned to the present applicants/accused, and the negative medical report has cast serious doubt on the incident. Consequently, the case against the applicants/accused calls for further inquiry. This Court in the case of **Chelo and another v. The State (2020 YLR 1406)**, has held at paragraph No.6 as under:

“Perusal of the FIR reflects that accused Saleem Babar committed rape with victim whereas applicants were standing there. On her cries, witnesses reached there because of which accused persons escaped. The applicants/accused have, prima facie not been alleged to have actively played any role in commission of the offence but their alleged presence has been claimed as facilitation. As per FIR itself the victim despite alleged force of the applicants/accused was in a position to attract people by making cries which she did and in consequences to such attraction the applicants/accused did nothing but preferred to escape away. All these prima facie aspects reflecting from the FIR themselves make the allegation of providing facilitation as one of further probe.”

6. For the reasons given above and guidance taken from the case law cited above, I am of the considered view that the applicants/accused have made out a case for grant of bail on the ground of further inquiry. Therefore, the applicants/accused are admitted to bail after arrest on furnishing solvent surety in the sum of Rs.50,000/- (Fifty thousands) each and PR bond in the like amount to the satisfaction of learned trial Court.

7. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

JUDGE

Hizbullah/PA.

