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

**Cr. Bail Application No. S-67 of 2025**

Applicant: Farhan @ Muhammad Saifal Soomro  
Though Mr. Muhammad Hashim  
Soomro, Advocate

The State: Through, Mr. Nazir Ali Bhangwar,  
Deputy Prosecutor General, Sindh

Date of hearing: 05-03-2025  
Date of order: 05-03-2025

**ORDER**

**Khalid Hussain Shahani, J:-** The applicant, Farhan @ Muhammad Saifal Soomro, has filed the present application seeking post-arrest bail in a case bearing Crime No.124/2024, offence under Section 376(iii) of the Pakistan Penal Code (PPC) at Police Station Lakhi Gate, Shikarpur. The request for bail was previously declined by the learned III-Additional Sessions Judge, Shikarpur, vide order dated 28.01.2025.

2. As per the prosecution's version, on 23-10-2024 at about 1200 hours, the applicant allegedly subjected Nizamuddin, son of the complainant Qamaruddin, to sexual assault/sodomy at Sadiq Faqeer Astana. Following consultations and deliberations, the matter was formally reported, and a First Information Report (FIR) was registered on the basis of the aforementioned allegations.

3. Learned counsel for the applicant contends that the accused is innocent and has been maliciously implicated in the present case due to ulterior motives. It is argued that there was an unexplained delay of 10 hours in the registration of the First Information Report (FIR), which raises doubts regarding the veracity of the allegations. Furthermore, the learned counsel submits that there exists a longstanding enmity between the parties, primarily arising from

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matrimonial disputes, which provide a plausible reason for false implication. Additionally, no independent witnesses have been cited in support of the prosecution's version, and the forensic evidence, including the DNA analysis, chemical examination, and medico-legal reports, do not corroborate the complainant's allegations.

4. The Learned Deputy Prosecutor General acknowledges that the investigation was conducted by a duly constituted Joint Investigation Team (JIT), which, upon thorough examination of the available evidence, including forensic reports, witness statements, and other corroborative materials, reached the conclusion that the allegations leveled against the applicant were baseless and that the case was falsely instituted. The findings of the JIT, which carry substantial probative value, indicate that the prosecution's case lacks credibility and fails to meet the requisite threshold for sustaining criminal charges against the accused.

5. The record demonstrates that there exists an inordinate delay of 10 hours in the lodging of the First Information Report (FIR), a factor to be detrimental to the prosecution's case, unless convincingly explained. The Joint Investigation Team (JIT), comprising ASP City Shikarpur, Inspector Rustom Ali Sanjrani, and SIP/SHO Tariq Ali Khoso of PS Lakhi Gate, conducted a thorough inquiry into the matter. Based on the findings of chemical analysis, DNA testing, and the final medico-legal certificate, as well as corroborative CCTV footage and statements of independent witnesses, the JIT recommended the classification of the case under "B" class, indicating that the allegations were false and not supported by substantive evidence. However, the learned trial court, not being satisfied with the JIT's conclusion, chose to take cognizance of the matter. This has resulted in the existence of two conflicting versions of the case, which necessitates adjudication through a proper trial to determine the

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veracity of the allegations. Given these circumstances, the case against the applicant falls within the ambit of further inquiry, as envisaged under Section 497(II) Cr.P.C. Accordingly, the applicant has succeeded in making out a case for further inquiry and is therefore admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.50,000/- (fifty thousand) and a personal bond in the like amount to the satisfaction of learned trial court.

  
JUDGE

Asghar Altaf/P.A