

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**Cr. Bail Appl. No.1808 of 2024**  
*(Muhammad Haneef vs. The State)*

Date	Order with signature of Judge
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**For hearing of Bail Application.**

**19.11.2024.**

Mr. Naseer Ahmed, advocate for applicant  
Ms. Rahat Ahsan, Addl: PG Sindh

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Complainant has registered current FIR against unknown persons for abducting his minor son, namely, Saleemullah aged about 13/14 years on 14.05.2024. The boy was found after one month in Hangoo in the home of his grandfather. He was brought in Karachi and his 164 CrPC statement was recorded in which he has narrated the entire story of how he was abducted from Karachi by a motorcyclist, who committed sodomy with him and handed over him to different persons, who after committing sodomy with him transferred him to other persons for the same purpose. In the story, he has implicated present applicant as well, who initially promised to get him a job somewhere but then committed sodomy with him. Finally, he was released and he reached home of his grandfather in Hangoo.

2. Applicant's counsel submits that name of applicant is not mentioned in FIR; 18 persons in total have been implicated by the victim, one such person, whose name was also taken by the victim, has been granted bail on no objection by the complainant, hence, rule of consistency is applicable and the applicant is entitled to bail as there is no DNA report or medical evidence.

3. Be that as it may, learned Addl: PG Sindh has opposed bail stating that the victim has been subjected to sodomy by different people including applicant, which is evident from statement of victim recorded u/s 164 CrPC. The co-accused has been granted bail on no objection by the complainant. The role of applicant is quite different as he deceived the victim into believing that he was going to get him some job but then committed continuously sodomy with him.

4. I concur with view of learned Addl: PG Sindh that this is not a case in which bail can be granted to the applicant as after investigation, section 377 has also been included in the case. Applicant is named by the victim to be contributor to his ordeal and committing sodomy with him. Therefore, this application is dismissed, however, the trial Court is directed to examine victim

within two months, thereafter applicant would be entitled to file a fresh bail application.

5. At this stage, learned counsel for the applicant submits that trial Court due to transfer of Presiding Officer has fallen vacant and requests that this case may be transferred. This request has not been opposed by learned Addl: PG Sindh. Therefore, Sessions Case No.1694/2024 is withdrawn from file of learned X-Additional Sessions Judge, Karachi West and transferred to learned IX-Additional Sessions Judge, Karachi West for recording evidence of victim within two months and allowing applicant, thereafter to file a fresh bail application.

6. The bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

**JUDGE**

Rafiq/P.A