

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 907 of 2025

Applicant : Saddam Langah son of Khadim Hussain,
Through Mr. Muhammad Moosa Kolachi, Advocate

Respondent : The State
through Mr. Sardar Ali Solangi, APG Sindh

Date of hearing : 15.05.2025

Date of order : 23.05.2025

ORDER

KHALID HUSSAIN SHAHANI, J. Applicant Saddam Langah seeks post-arrest bail in a case bearing crime No. 28/2025, registered at Police Station Bin Qasim, Karachi, offence under Sections 377, 364-A, 506 & 34 PPC. His earlier bail plea was declined by the court of learned Vth Additional Sessions Judge Karachi Malir vide order dated 27.03.2025.

2. As per the version narrated in the FIR, the complainant Zahoor Ahmed reported that on 19.01.2025, his younger brother Kamran Aslam, a school-going child aged about 12/13 years, returned home in a visibly distressed and fearful state. Initially reluctant to divulge the reason for his condition, the minor, upon sustained questioning by the complainant and another elder brother, Abdul Qadeer, disclosed that while he had gone to Shah Nawaz Goth to purchase educational material, he was approached by two persons namely Saddam Langah (present applicant) and Bilal Rind. According to the child, the aforementioned individuals lured him under the guise of seeking assistance to carry some goods and took him to a house located in Saboo Gabol Goth, Bin Qasim Town. There, it is alleged, both accused committed sodomy upon the victim and subsequently abandoned him near Sindhi Chowk, warning him of severe repercussions should he reveal the incident. The FIR was registered on 24.01.2025, following deliberation among family elders.

3. The applicant was apprehended and has remained in judicial custody. The minor victim also recorded his statement under Section 164 Cr.P.C. before a Magistrate, reiterating the sequence of events and attributing explicit roles to both accused.

4. Learned Counsel asserted that the applicant has been falsely implicated due to malice or previous enmity; there is an unexplained delay of five days in registration of the FIR, which diminishes the credibility of the prosecution version; the medico-legal report does not reflect signs of violence, injury, or laceration which would corroborate the alleged act; the alleged scene of occurrence is a populated area, yet no witnesses have been cited, nor is there any corroborative evidence such as CCTV footage; CDR data purportedly indicates the applicant's presence at a different location at the relevant time; The offences, in the context of absence of forensic support, require further inquiry; the applicant has no prior criminal record and undertakes to appear before the trial Court regularly.

5. On the contrary, the learned APG vigorously opposed the application, contending that the victim's statement under Section 164 Cr.P.C. is direct, detailed, and implicates the applicant without ambiguity; delay in reporting the offence has been sufficiently explained as arising from the trauma of the child and the hesitance of the family, which is consistent with the conduct observed in offences of a sexually exploitative nature; Although the medical report may not reflect recent injury, the passage of time between the incident and medical examination accounts for the absence of fresh signs, particularly in the context of a juvenile victim; The offence is heinous, falling within the prohibitory clause of Section 497 Cr.P.C., and entails punishment of death or imprisonment for life; The minor's consistent account, even in the face of lack of physical evidence, suffices for denial of bail at this stage in view of settled legal principles.

6. The pivotal accusation against the applicant pertains to commission of an unnatural offence upon a minor boy in conjunction with a co-accused. The victim's statement under Section 164 Cr.P.C. is not only spontaneous and coherent but demonstrates a vivid account of events, including time, location, and the specific conduct attributed to each assailant. The delay in FIR registration, while generally requiring explanation, does not appear to be deliberate or designed in this case. In matters involving child sexual abuse, delayed disclosure is a recognized phenomenon due to fear, shame, and societal pressures. Superior courts have consistently acknowledged

such factors and have refrained from drawing adverse inference solely from delay. Reliance is placed on the cases of *Muhammad Ajaib Vs. Mehboob Khan* (2000 P.Cr.L.J 1484), *Haq Nawaz Vs. The State* (2008 P.Cr.L.J 484), *Mian Muhammad Nawaz Sharif Vs. The State* (PLD 2002 Karachi 152), *Sher Khan Vs. The State* (1996 P.Cr.L.J 668).

7. While the medico-legal certificate does not confirm acute injuries, it also does not negate the occurrence of the offence. The absence of bodily trauma, particularly days after the incident, is medically plausible and does not override the probative value of the minor's testimony. Regarding the DNA evidence, it is noteworthy that the sample did not match the applicant. However, the report itself indicates that biological samples were collected several days post-incident, and degradation of material or procedural shortcomings cannot be ruled out. At the bail stage, ocular testimony of the victim, if credible, is sufficient to constitute prima facie material. In this case, the testimony under Section 164 Cr.P.C. is not contradicted by any glaring inconsistency. Reliance is placed on the cases of *Shakeel Ahmed Vs. The State* (PLD 2010 Supreme Court 47) it was held (in paragraph 9), *Haji Ahmad v. State* (1975 SCMR 69), and in case of *Irfan Ali Sher v. State* (Jail Petition No. 324/2019, decided on 17 April 2020), *Criminal Appeal No. 251/2020* decided on 04.01.2021 and *Criminal Petition No. 75-Q/2021* decided on 21.10.2021.

8. Moreover, the offence under Section 364-A & 377-A PPC, abduction of a child with intent to subject him to harm & unnatural offence with a boy under the age of 18 years is a most serious charge and entails capital punishment. The nature of the allegations, societal interest, and protection of vulnerable victims necessitate a cautious and guarded approach to release on bail. The applicant's contention regarding alibi or CDR location is evidentiary in nature and can only be tested through cross-examination and production of admissible proof at the trial stage. At this stage, such assertions do not displace the weight of the victim's statement.

9. In summation, the accusations levelled against the applicant are grave and carry serious penal consequences. The minor victim's consistent and specific narration of the incident, supported by his statement under

Section 164 Cr.P.C., provides reasonable grounds to believe in the applicant's involvement. The delay in reporting and inconclusive DNA report do not, by themselves, render the prosecution case doubtful at this preliminary stage. Accordingly, the applicant has failed to make out a case for grant of bail on the touchstone of Section 497 Cr.P.C. Resultantly, this bail application is dismissed. Learned trial court is directed to conclude the trial preferably within three (03) months after receipt of this order. Office to facsimile this order to learned trial court accordingly.

J U D G E