

## IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-946 of 2025

Applicants : 1) Abdul Latif s/o Muhammad Ramzan  
2) Ashraf Ali @ Ashraf s/o Abdul Latif  
3) Muhammad Aslam s/o Abdul Latif  
4) Farhan Ali s/o Abdul Latif  
*Through Syed Waqar Ali Shah, Advocate*

Complainant : Mst. Nadeema w/o Abdul Ghani, Kalwar  
*Through Mr. Ali Raza Kalwar, Advocate*

The State : *Through Mr. Mansoor Ahmed Shaikh, DPG*

Date of hearing : 08.12.2025  
Date of order : 08.12.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.**— The applicants, Abdul Latif, Ashraf Ali @ Ashraf, Muhammad Aslam, and Farhan Ali, have approached this Court seeking confirmation of pre-arrest bail in connection with Crime No.103 of 2025, registered at Police Station Sarhad, District Ghotki. The case is registered for offences under Sections 354, 504, and 34 PPC. It is pertinent to note that an earlier bail application by the applicants was refused by the learned Additional Sessions Judge-II, Ghotki vide order dated 29.09.2025.

2. The factual matrix as narrated in the FIR reveals that the applicants allegedly, while armed with deadly weapons, verbally abused the complainant party. It is further alleged that Abdul Latif outraged the modesty of one Mst. Nadeema by forcibly placing his hands on her chest and attempting to uproot her clothing at NHW road near Safari Park. These serious allegations form the foundation of the prosecution's case.

3. At the commencement of proceedings, learned counsel for the applicants emphatically contended that the dispute between the parties has been amicably resolved outside the Court. The complainant herself, who is

the purported victim in this matter, has unequivocally exonerated the applicants by submitting a sworn affidavit disavowing all allegations. The complainant also personally appeared in Court and reaffirmed the contents of her affidavit under oath. Learned counsel thus contends the applicants are entitled to the protection of pre-arrest bail.

4. Supporting this stance, the learned Deputy Prosecutor General, after evaluating the complainant's no-objection affidavit, conceded to the confirmation of bail. This concurrence underscores the absence of any substantive opposition from the prosecution side.

5. Judicial authority on the subject of pre-arrest bail is well-settled and unequivocal. The principal purpose of granting pre-arrest bail is to safeguard an innocent individual from the unnecessary indignity of arrest, particularly where allegations appear to be motivated by malice, ulterior motives, or are subject to serious dispute. The court's intervention at this stage is not to decide the guilt or innocence of the accused, but to examine whether sufficient grounds for custody exist, or whether further inquiry is warranted. Further, courts have consistently held that pre-arrest bail should not be denied as a punitive measure. The presence of mala fide intentions, or evidence of a settlement between the parties, ordinarily constitutes a valid ground for allowing bail. In the present case, the court observes a clear contradiction between the prosecution's allegations as set out in the FIR and the exonerating affidavit of the complainant. This fundamental factual dispute necessitates further inquiry during trial. Section 497(2) of the Code of Criminal Procedure (Cr.P.C) explicitly allows for the grant of bail when the two versions of the case demand detailed investigation and scrutiny.

6. There is no record or material to suggest that the applicants have violated the terms of their interim bail or misused the privilege extended to them. Given these circumstances, this Court finds that the requirements for confirming pre-arrest bail are satisfactorily met. Accordingly, the interim pre-arrest bail granted to the applicants vide this Court's order dated 02.10.2025 is hereby confirmed on the same terms and conditions.

7. It is emphatically clarified that this order shall not prejudice the trial court's independent assessment of the case's merits, which shall be adjudicated strictly in accordance with law.

**J U D G E**