

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. S – 19 of 2026

Ali Hassan alias Junaid Korai & another
vs.
The State

For the Applicants : Mr. Najeebulah Mahesar,
Advocate

Date of hearing : 07.01.2026

Date of announcement : 07.01.2026

ORDER

Agha Faisal, J. (1) Urgency granted. (2) To be addressed / complied with within a week (3) Learned counsel undertakes to place on record certified copies, true translations etc. during the course of the week; application disposed of in terms herein. (3) The applicants seek pre-arrest bail, in respect of F.I.R. No.358 of 2025, registered on 15.09.2025 before P.S. 'B' Section, District Khairpur, pertaining to offences under Sections 376(i), 343, 452, 148, 149, P.P.C.

2. Learned counsel submits that the applicants surrendered before the Court of the Additional Sessions Judge-IV (GBVC), Khairpur, however, vide order dated 28.11.2025, in Cr. Bail Application No.3419 of 2025, the applicants' application for pre-arrest bail was dismissed, hence, the present proceedings.

3. After considering the submissions of the learned counsel and sifting¹ through the material placed before the court, reproduction whereof is eschewed herein², it is observed as follows:

- a. There is an order dated 02.09.2025 placed on record, rendered by the learned Assistant Sessions Judge III at Larkana whereby the applicant and the complainant have been granted protection on account of having contracted marriage and apprehending harassment. A copy of the nikahnama is also on record showing the date of nikah to be 22.07.2025. Notwithstanding the foregoing, the present FIR has been registered by the complainant against the applicant.
- b. Learned counsel for the applicants pleaded entitlement to the concession of pre-arrest bail on the premise that FIR is false; contrary to judicial / public record; filed with an inordinate delay of

¹ *Shoaib Mahmood Butt vs. Iftikhar Ul Haq & Others* reported as 1996 SCMR 1845.

² *Chairman NAB vs. Mian Muhammad Nawaz Sharif & Others* reported as PLD 2019 Supreme Court 445; *Muhammad Shakeel vs. The State & Others* reported as PLD 2014 Supreme Court 458.

23 days; and in contradiction of judicially recognized factum to the contrary.

- c. *Prima facie* the contention of the learned counsel were assisted by the record.
- d. It has been reasoned that the basic foundation of prosecution remains to be laid, hence, demonstrably qualifying the present case within the remit of Section 497(2) of the Code of Criminal Procedure 1898. Therefore, denial of anticipatory bail in the present circumstances, in an arguably fit case for consideration of post arrest bail³, on a technicality would be unconscionable and unmerited⁴.
- e. Learned counsel has articulated a *prima facie* case for consideration of judicial refuge⁵, envisaged to protect the innocent / vulnerable from the rigors of abuse of process of law and harassment⁶; so as to protect human dignity and honor⁷ from the humiliation of incarceration, arguably intended for designs extraneous and *mala fide*.

4. The contentions raised merit deliberation, therefore, notice may be issued to the office of the Additional Prosecutor General Sindh, Investigative Officer and the Complainant. In the intervening period the applicants are admitted to interim pre-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) each and a personal recognizance bond, in the like amount, to the satisfaction of the Additional Registrar of this Court. To come up on 27.01.2026 for confirmation hereof or otherwise.

5. It is considered pertinent to record that the observations herein are of tentative nature and shall not influence and / or prejudice the case of either party at trial.

JUDGE

³ *Muhammad Ramzan vs. Zafar Ullah & Another* reported as 1986 SCMR 1380.

⁴ *Khalil Ahmed Soomro & Others vs. The State* reported as PLD 2017 Supreme Court 730; *Hassan Jameel Ansari & Another vs. National Accountability Bureau & Another* reported as 2012 YLR 2809 (Division Bench Judgment of this Court).

⁵ Per Qazi Muhammad Amin J. in *Ghulam Farooq Channa vs. The Special Judge ACE (Central I) Karachi & Another* (Criminal Petition 169 of 2020) approving *Hidayat Ullah Khan vs. The Crown* reported as PLD 1949 Lahore 21 (Per Cornelius J.).

⁶ *Ajmal Khan vs. Liaqat Hayat & Another* reported as PLD 1998 Supreme Court 97.

⁷ *Murad Khan vs. Fazle Subhan & Another* reported as PLD 1983 Supreme Court 82.