

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. S – 08 of 2026

Imam Bux Rajper

vs.

The State

For the Applicant : Mr. Shahid Hussain Gopang,
Advocate

Date of hearing : 05.01.2026

Date of announcement : 05.01.2026

ORDER

Agha Faisal, J. (1) Urgency granted. (2) Learned counsel undertakes to address / comply with office objections on or before the next date of hearing. (3) Learned undertakes to place on record certified copies, true translations etc. during the course of the week; application disposed of in terms herein. (3) The applicant seeks pre-arrest bail, in respect of F.I.R. No.392 of 2024, registered on 16.11.2024 before P.S. Shaheed Murtaza Mirani, District Khairpur, pertaining to offence under Section 365-B, P.P.C., subsequently section 302 etc.

2. Learned counsel submits that the applicant surrendered before the Court of the Additional Sessions Judge-IV (GBVC), Khairpur however, vide order dated 17.12.2025, in Cr. Bail Application No.3712 of 2025, the applicant's 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. The applicant was not nominated in the FIR and was implicated one year hence vide a further statement. The initial allegation in the FIR was that of kidnapping, however, subsequently led to the charge of murder.
- b. Learned counsel for the applicant pleaded entitlement to the concession of pre-arrest bail on the premise that the applicant was never nominated in the FIR; was incriminated as an afterthought; even the initial FIR was delayed; applicant has no nexus with the alleged offense; and is being wrongfully implicated.

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.

- c. *Prima facie* the arguments of the applicant's learned counsel are assisted by the record before this court. The issue of delay, be it in the registration of FIR and the incrimination of the applicant, needs to be further examined in the light of evidence.
- 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, Investigative Officer and the Complainant. In the intervening period the applicant is admitted to interim pre-arrest bail, subject to furnishing solvent surety in the sum of Rs.1,00,000/- (Rupees one lac only) and a personal recognizance bond, in the like amount, to the satisfaction of the Additional Registrar of this Court. To come up on 22.01.2026 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.