

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Criminal Bail Application No. D-115 of 2026

Before:

Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada'

Applicant	:	Mst. Gul Khatoon wife of Khan Muhammad @ Ali Bux Bhatti, through Mr. Imtiaz Ali Bhatti, Advocate.
The State	:	Through Mr. Sardar Ali Solangi, Deputy Prosecutor General, Sindh.
Date of hearing	:	12.08.2026.
Date of Order	:	12.08.2026.

ORDER

Riazat Ali Sahar, J.— Through this post-arrest bail application filed under Section 497, Cr.P.C, the applicant/accused Mst. Gul Khatoon seeks bail in FIR No.09/2026, registered at Police Station Shaheed Illahi Bux Siyal, for offences punishable under Sections 365-A, 109 and 34 PPC, read with Sections 6/7 of the Anti-Terrorism Act, 1997. Her earlier bail application was dismissed by the learned Anti-Terrorism Court, Larkana, vide order dated 19.05.2026.

2. Learned counsel for the applicant submits that the applicant is a woman and has been falsely implicated in the present case. He contends that the FIR was lodged after an unexplained delay of about six days and that all the witnesses and mashirs are closely related to the complainant. He further submits that the investigation has been completed, the applicant is no more required for investigation, and nothing remains to be recovered from her. It is further argued that the role attributed to the applicant is distinguishable from that of co-accused Khan Muhammad, who allegedly possessed and brandished a pistol at the complainant party. Learned counsel lastly submits that, being a woman, the applicant is

entitled to the concession contemplated under the first proviso to Section 497(1), Cr.P.C.

3. Conversely, learned Deputy Prosecutor General, Sindh, has opposed the grant of bail on the ground that the applicant is specifically nominated in the FIR and a direct role of kidnapping minor Zubaida, aged about nine years, has been attributed to her. He submits that the offence is heinous in nature and falls within the prohibitory clause of Section 497(1), Cr.P.C., read with the Anti-Terrorism Act, 1997.

4. We have heard the learned counsel for the applicant and learned DPG and perused the material available on the record.

5. The prosecution case, as reflected from the FIR, is that on 20.04.2026, minor Zubaida, aged about nine years, was playing outside her house when the applicant, along with co-accused Khan Muhammad, allegedly came there on a motorcycle. The applicant is alleged to have alighted from the motorcycle and caught hold of the hand of the minor, whereafter co-accused Khan Muhammad allegedly took her away on the motorcycle. It is further alleged that when the complainant party attempted to rescue the minor, co-accused Khan Muhammad brandished a pistol and threatened them.

6. At this stage, it is not disputed that the applicant is a woman and has remained in custody since her arrest. The investigation, as stated by learned counsel and not seriously disputed by the prosecution, has been completed and the applicant is no more required for further investigation. The FIR was lodged after a delay of about six days, which aspect would require consideration at the trial. Likewise, the questions relating to the credibility of the complainant and witnesses, who are stated to be closely related to the complainant, are matters to be determined after recording of evidence.

7. More importantly, the learned trial Court, while dismissing the bail application, has primarily considered the seriousness of the allegation and the fact that the applicant has been specifically nominated in the FIR. However, the statutory concession available to a woman accused under the first proviso to Section 497(1), Cr.P.C. requires independent

consideration. The Honourable Supreme Court in **Tahira Batool v. The State (PLD 2022 SC 764)** has categorically held that, irrespective of the category of offence, in the case of a woman falling within the first proviso to Section 497(1), Cr.P.C., grant of bail is the rule and refusal is an exception. The exceptions include likelihood of abscondence, tampering with prosecution evidence or influencing witnesses, or repetition of the offence.

8. In the present case, the prosecution has not been able to point out any material demonstrating that, if released on bail, the applicant is likely to abscond, tamper with the prosecution evidence, influence the witnesses or repeat the alleged offence. The mere fact that the allegation is serious or that the offence falls within the prohibitory clause cannot, by itself, defeat the statutory concession available to a woman under the first proviso to Section 497(1), Cr.P.C. The High Court of Sindh has likewise applied the said principle in cases involving women accused.

9. Furthermore, at the bail stage, a tentative assessment of the available material is permissible, whereas deeper appreciation of evidence is not warranted. The question whether the applicant actually participated in the alleged occurrence, and the evidentiary value of the statements of the complainant and witnesses, shall be determined by the learned trial Court after recording evidence. The observations made herein are, therefore, tentative in nature.

10. In view of the above circumstances, particularly the fact that the applicant is a woman, has remained in custody since her arrest, the investigation has been completed and no exceptional circumstance warranting refusal of the statutory concession available to her has been pointed out, I am of the tentative view that the applicant has made out a case for grant of post-arrest bail. Consequently, this bail application is allowed. The applicant/accused Mst. Gul Khatoon wife of Khan Muhammad @ Ali Bux Bhatti is admitted to post-arrest bail subject to her furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand

only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

11. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the trial. The learned trial Court shall decide the case strictly on its own merits in accordance with law.

Bail application stands disposed of accordingly.

JUDGE

JUDGE

S.Ahsfaq/