

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-456 of 2026

(Nafees Ali vs. The State)

Applicant : Nafees Ali s/o Dur Muhammad
Through Mr. Zafar Hayat Shah, Advocate.

Respondent : The State
Through Mr. Dhani Bakhsh Mari, Assistant P.G.

Date of hearing : 21.10.2026

Date of Order : 21.10.2026

ORDER

NISAR AHMED BHANBHRO, J: Through the instant bail application, applicant Nafees Ali s/o Dur Muhammad, seeks post arrest bail under Section 497 Cr.P.C., in F.I.R., bearing Crime No.82 of 2026, registered at Police Station Perumal for offences punishable under Sections 365-B, 34 P.P.C r/w section 3-4 Child Marriage Act, 2014. His earlier application for post arrest bail was dismissed by the learned Additional Sessions Judge/Judge Gender Based Violence Court, Khipro, vide order dated 30-07-2026 passed in Criminal Bail Application No. 271 of 2026, whereafter he invoked the jurisdiction of this Court.

2. The facts necessary for deciding instant bail application are that complainant Anwar Ali Janwari lodged instant F.I.R., on 21-07-2026 at PS Perumal alleging therein that his brother namely Muhammad Janwari was married to his sister-in-law, Mst. Shahida, who is the sister of Mir Muhammad Mari. Out of their wedlock, they have one son and three daughters, including one daughter namely Rehana, aged about 12 years. After the death of his brother Muhammad, his sister-in-law, Mst. Shahida, along with her children, has been residing with her brother, Mir Muhammad Mari, at Village Ali Dino Mari. On 16.07.2026, in the evening, he, along with his nephew Ghulam Mehndi Janwari went to the house of Mir Muhammad Mari at Village Ali Dino Mari to meet his sister-in-law Shahida and her children. They had dinner there, and thereafter, he, his nephew Ghulam Mehndi, Mir Muhammad Mari, his niece Rehana and other family members were sitting together and conversing. There was electric bulb light inside the house. At about 2200 hours, they heard the sound of a car stopping outside the house. They saw that Farhan Khaskheli, Nafees Khaskheli, Khuda Dino Khaskheli and two

unidentified persons, all armed with pistols, entered the house. Immediately upon entering, accused Farhan caught hold of his niece Rehana by her arm and began dragging her outside. His niece Rehana raised cries, and they also shouted at the accused, asking what they were doing. Thereupon, all the accused pointed their pistols at them ordered them to remain silent. Out of fear of their weapons, they remained silent. Within their sight all the accused forcibly abducted his niece Rehana and took her in a white-coloured car parked outside the house, with intention of compelling her to marry accused Farhan or subjecting her to sexual intercourse. Thereafter, they approached the elders of the accused and demanded the safe return of the girl and a settlement of the matter. They continued giving them assurances, but lastly refused, hence complainant came at police station and lodged instant F.I.R.

3. Learned counsel for the applicant contended that there is delay of five days in registration of F.I.R., without any explanation. He next contended that alleged abductee Mst. Rehana and co-accused Farhan Ali filed C.P No.D-697/ 2026 before the Divisional Bench of this Court, in which alleged abductee appeared and recorded her statement wherein she stated that nobody has abducted her and she has contracted free will marriage with co-accused Farhan Ali. He next contended that police submitted summary/report for disposal of instant F.I.R under cancelled "C" class which was not accepted by learned trial court. He next contended that no specific allegation is leveled against the applicant in the alleged offence. He further contended that case against the applicant requires further inquiry. He, therefore prays for grant of bail to the applicant.

4. Conversely, learned Assistant P.G while controverting the submissions contended that delay in recording F.I.R has been explained. He further submits that alleged offence falls under the prohibitory clause of section 497(1) Cr.P.C. He, therefore, prays for dismissal of instant bail application.

5. Heard arguments and perused the material available on record. The instant F.I.R was registered for an offence punishable under section 365-B, 34 PPC r/w section 3-4 of Child Marriage Restraint Act, 2014 against alleged abduction of Rehana, aged about 12 years. After registration of F.I.R, the alleged abductee Mst. Rehana filed C.P No.D-697/ 2026 before the Divisional Bench of this Circuit Court, wherein she appeared and stated that she was not abducted by any one and has contracted marriage of her free will with Farhan Ali (co-accused) and thereafter

concerned police submitted summary/ report for disposal of instant F.I.R under cancelled "C" class before the trial Court (Court of learned Additional Sessions Judge/ Gender Based Violence Court, Khipro); however, learned trial court did not concur with such findings and took cognizance of the offence. When confronted learned Assistant P.G conceded the above factual position. Admittedly when the star witness of the alleged incident i.e., Mst. Rehana herself denied the allegation of her abduction and has appeared before the Divisional Bench of this Circuit Court and in pursuant to her statement, the police submitted summary/ report for disposal of instant F.I.R under cancelled "C" class, which though was refused by learned trial court, but the case for further inquiry is made out entitling the applicant for the grant of bail.

6. For the foregoing reasons and without expressing any final opinion on the merits of the case, the applicant has succeeded in making out a case for grant of post arrest bail. Consequently, the applicant namely Nafees Ali s/o Dur Muhammad is admitted on bail subject to furnishing a 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 learned trial court.

7. Needless to observe that the findings and observations recorded herein are purely tentative in nature and confined to the disposal of the instant bail application. The learned trial Court shall decide the case strictly on the basis of the evidence brought before it, independently and without being influenced by any observation contained in this order.

The instant bail application stands **allowed** accordingly.

JUDGE

Saleem

