

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.S-1931 of 2026

Applicant : Laiq Jan son of Hussain Gul through
Mr. Shah Imroze Khan, Advocate

Complainant : Sahib Zada son of Gulzada through
Mr. Lal Khan, Advocate

The State : Through Mr. Sharaf-u-Din Kanhar,
Assistant Prosecutor General, Sindh

Date of hearing : 31.08.2026

Date of decision : 31.08.2026

ORDER

Jan Ali Junejo, J.- This Order shall dispose of the instant post-arrest Criminal Bail Application filed by Applicant-Laiq Jan son of Hussain Gul, under Section 497, Cr.P.C., in connection with FIR No.534 of 2025, registered at Police Station Gulshan-e-Maymar, Karachi, for an offence punishable under Section 376, PPC. The applicant seeks the concession of bail after arrest, being aggrieved by the Order dated 13.04.2026, passed by the learned Additional Sessions Judge-X, Karachi West, whereby, his earlier bail application was dismissed.

2. Briefly stated, the prosecution case, as reflected from the FIR, is that the complainant resides with his family at the address mentioned in the FIR and earns his livelihood as a labourer at the vegetable market. On 12.11.2025, he left his house in the morning for work, while his wife and 12-year-old minor daughter, namely Wafa, remained at home. At about 7:30 p.m., a neighbour informed the Complainant that noise had been heard emanating from the house of the Applicant. Thereupon, the Complainant, accompanied by his wife and neighbours, namely, Saifullah, Farhan and Irfan, reached the said place. At that time, the minor victim came out of the Applicant's house, whereas, the Applicant allegedly managed to escape. On inquiry, the minor disclosed that she had gone to purchase roti, whereupon the Applicant took her inside his house on the pretext of asking her to bring a pot, bolted the door and subjected her to sexual assault. According to the FIR, after committing the alleged act, the Applicant released the minor, whereafter, she came outside. The Complainant subsequently took his daughter to Police Station Gulshan-e-Maymar, from where arrangements were made for her medical examination at Abbasi Shaheed Hospital. The Complainant alleged that the Applicant had subjected his minor daughter to rape and sought legal action against him.

3. Learned Counsel for the Applicant contended that the Applicant is innocent and has been falsely implicated in the case. He submitted that the prosecution story is doubtful and that the Applicant has not committed the alleged offence. It was further argued that there is an unexplained delay of approximately three days in the registration of the FIR, which creates serious doubt regarding the veracity of the prosecution case. Learned Counsel also submitted that although the victim was allegedly seen coming out of the Applicant's house, no immediate action was taken, which, according to him, further renders the prosecution version doubtful. Learned Counsel emphasized that the Complainant as well as the victim have furnished affidavits expressing no objection to the grant of bail and have stated that the FIR was lodged due to a misunderstanding and that the matter has subsequently been compromised. It was, therefore, argued that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C. and that the Applicant is entitled to the concession of bail. In support of his contentions, learned Counsel has placed his reliance upon the case law reported as *Haibat Khan versus The State* [2016 SCMR 2176], *Awon Muhammad versus The State* [2026 MLD 729], *Muhammad Shareef versus The State* and another [2026 YLR Note 46], *Muhammad Tanvir versus The State* and others [2017 SCMR 366], *Muhammad Makki versus The State* and others [2010 P Cr. L J 1482], and an unreported Order dated 14.11.2026, 14.03.2025 and 27.02.2026, passed by this Court in Criminal Bail Applications No.1525 of 2025, 448 of 2025 & 1260 of 2025.

4. Conversely, learned Assistant Prosecutor General, Sindh, opposed the bail application and submitted that the victim, being a minor of about 12 years of age, has consistently implicated the Applicant in her statement recorded under Section 164, Cr.P.C., as well as in her statement before the learned trial Court. He contended that the medical evidence available on record prima facie lends support to the prosecution case and that injuries were noted upon the person of the victim. It was further argued that the Complainant initially supported the prosecution case and subsequently resiled from his earlier version during cross-examination owing to the compromise between the parties. According to the learned APG, such compromise or affidavit of no objection cannot confer any legal benefit upon the Applicant, particularly as the alleged offence is non-compoundable in nature. He submitted that the allegations are serious and heinous, the victim is a minor, and the material available on record does not bring the case within the ambit of further inquiry. He, therefore, prayed for dismissal of the bail application.

5. Learned Counsel appearing for the Complainant stated that he has no objection if the applicant is admitted to bail.

6. I have heard the learned Counsel for the Applicant, learned Assistant Prosecutor General, Sindh, as well as learned counsel for the Complainant, and have carefully examined the material available on record with their assistance. At the stage of bail, the Court is required to make a tentative assessment of the available material and is not expected to conduct a deeper appreciation of evidence, which is the exclusive domain of the learned trial Court after recording of evidence.

7. In the present case, the victim is admittedly a minor aged about 12 years. The record shows that she has consistently attributed the alleged occurrence to the present applicant. Her statement recorded under Section 164, Cr.P.C., prima facie implicates the applicant in the commission of the alleged offence. At this tentative stage, the said statement appears to be confidence-inspiring and no such material contradiction or inherent improbability has been pointed out which may justify bringing the case within the scope of further inquiry contemplated under Section 497(2), Cr.P.C.

8. The medical material available on record also prima facie lends corroboration to the prosecution version. The medical examination reflects injuries upon the person of the minor which, at this stage, cannot simply be brushed aside and require consideration along with the ocular account at trial. Whether such injuries conclusively establish the alleged offence, and what evidentiary value is ultimately to be attached to the medical material, are matters to be determined by the learned trial Court after recording and appreciating the evidence. At the present stage, however, the medical evidence provides prima facie corroboration to the prosecution case.

9. The argument regarding delay in registration of the FIR has also been considered. The alleged occurrence took place on 12.11.2025, whereas the FIR was registered after an interval of approximately three days. However, delay in reporting a sexual offence, particularly where the alleged victim is a minor, cannot mechanically be treated as fatal to the prosecution case. The effect of such delay depends upon the circumstances of each case and is ordinarily a matter to be examined at trial. At the bail stage, the delay pointed out by learned counsel, in the circumstances of the present case, does not by itself create such doubt as would bring the case within the ambit of further inquiry.

10. As regards the subsequent compromise, affidavits of no objection and the complainant's alleged departure from the prosecution version, suffice it to observe that the alleged offence under Section 376, PPC, is not compoundable in the ordinary course. A private settlement between the parties cannot, by itself, efface the criminal liability arising from an offence which the law does not permit the parties to compound. This aspect assumes greater significance where the alleged victim is a minor and the accusation relates to a serious sexual offence. The subsequent conduct of the complainant or his expression of no objection may be assessed by the learned trial Court in accordance with law, but at this stage it does not furnish a lawful ground for extending the concession of bail where the remaining material prima facie connects the applicant with the alleged offence.

11. It is also well settled that the Court, while deciding a bail application, is not required to determine the guilt or innocence of the accused. Nevertheless, where the prosecution material, if tentatively assessed, discloses reasonable grounds connecting the accused with the commission of an offence falling within the prohibitory clause of Section 497(1), Cr.P.C., bail cannot be granted merely on the basis of disputed defence pleas, including the plea of compromise, unless the case otherwise falls within the ambit of further inquiry.

12. In the present case, the minor victim has consistently implicated the applicant; her statement under Section 164, Cr.P.C., prima facie supports the prosecution case; the medical material provides corroboration; and the grounds urged by the applicant, including delay and subsequent compromise, do not, at this stage, sufficiently displace the prima facie case. The material available on record, therefore, does not make the applicant's case one of further inquiry within the meaning of Section 497(2), Cr.P.C.

13. Consequently, the instant post-arrest bail application is dismissed. The observations made herein are purely tentative in nature and shall have no bearing upon the merits of the case at trial. The learned trial Court shall decide the case strictly on the basis of the evidence brought before it, uninfluenced by any observation made in this order.

JUDGE

This Order shall decide the post-arrest Criminal Bail Application filed by Applicant-Laiq Jan son of Hussain Gul under Section 497, Cr.P.C., arising out of FIR No.534 of 2025, registered at Police Station Maymar, Karachi, for offence under Section 376 PPC. The Applicant seeks bail after arrest, being aggrieved by the Order dated 13.04.2026, passed by learned Additional Sessions Judge-X, Karachi West, whereby, his earlier bail plea was declined.

2. The brief facts of the prosecution case, as disclosed in the FIR, are that the Complainant resides with his family at the address mentioned in Column No.2 of FIR and works as a labourer at the vegetable market. On 12.11.2025, he left home for work in the morning, while his wife and 12-year-old daughter, namely, Wafa, remained at home. At about 07:30 p.m., his wife informed him that she had heard noise emanating from the house of Applicant-Laiq Jan. The Complainant, along with his wife and neighbours, namely, Saifullah, Farhan and Irfan, reached there, where his daughter came out of the house, whereas Applicant-Laiq Jan managed to escape. On inquiry, Wafa disclosed that she had gone to purchase roti, when Applicant-Laiq Jan took her inside his house on the pretext of asking her to bring a pot, bolted the door and subjected her to sexual assault. On her hue and cry, the Applicant released her, whereafter, she came outside. The Complainant thereafter took his daughter to Police Station Gulshan-e-Maymar, where Sub-Inspector Muhammad Ayub arranged for her medical examination at Abbasi Shaheed Hospital. The Complainant alleged that Applicant-Laiq Jan had subjected his minor daughter Wafa to rape and sought legal action against him.

3. Learned Counsel for the Applicant contended that the Applicant is innocent and has been falsely implicated in this case by the Complainant as he has neither committed any offence nor performed any illegal act as alleged in the FIR. He argued that there is an unexplained delay of about 03 days in lodging the FIR, which creates serious doubt. He further submitted that the victim allegedly disclosed the incident with the parents; yet no immediate action was taken, rendering the prosecution story doubtful. It was further argued that the DNA report does not match the Applicant, thus negating the allegation. Learned Counsel also emphasized that the Complainant and the victim have filed affidavits of no objection and admitted that the FIR was lodged due to misunderstanding, and that the parties have compromised the matter. He lastly prayed that the case falls within the ambit of further inquiry and the Applicant is entitled to concession of bail. In support of his contentions, he has placed his reliance upon the cases reported as *Haibat Khan versus The State* [2016

SCMR 2176], Awon Muhammad *versus* The State [2026 MLD 729], Muhammad Shareef *versus* The State and another [2026 YLR Note 46], Muhammad Tanvir *versus* The State and others [2017 SCMR 366], Muhammad Makki *versus* The State and others [2010 P Cr. L J 1482], and an unreported Order dated 14.11.2026, 14.03.2025 and 27.02.2026, passed by this Court in Criminal Bail Applications No.1525 of 2025, 448 of 2025 & 1260 of 2025.

4. Conversely, learned Assistant Prosecutor General, Sindh opposed the grant of bail and submitted that the victim has consistently implicated the Applicant in her statement under Section 164 Cr.P.C. as well as before the trial Court. He argued that the medical evidence supports the prosecution case, as injuries consistent with the alleged act were found. It was contended that the Complainant initially supported the prosecution case and only resiled during cross-examination due to compromise, which cannot be given legal effect in non-compoundable offences. He further argued that the offences involved are heinous in nature, punishable with severe sentences, and do not call for further inquiry. He, therefore, prayed for dismissal of the bail application. Learned Counsel for the Complainant has raised his no objection if the bail is granted to the Applicant.

5. I have heard the learned Counsel for the Parties and perused the record with their assistance. At the bail stage, only a tentative assessment of the material is required. The record reflects that the victim, a minor aged about 12 years, has consistently implicated the Applicant in her statement recorded under Section 164 Cr.P.C. before the Judicial Magistrate. Her statement appears to be confidence inspiring at this stage and does not show any material contradiction so as to bring the case within the ambit of further inquiry. The medical evidence available on record prima facie corroborates the allegation, as injuries were noted on the person of the victim consistent with the commission of unnatural offence. The argument regarding negative DNA report, at this stage, is not sufficient to discard the ocular account, particularly when supported by medical findings.

6. The contention regarding three days delay in lodging the FIR, does not, on the face of it, erode the prosecution's case in sexual offences against minors, where initial shock, securing of the accused, and reaching the police station commonly account for brief intervals. Our jurisprudence consistently holds that a short delay reasonably explained by the circumstances is not, by itself, a ground to discard the FIR at a tentative stage. The contention regarding compromise and affidavits of no objection is also of no avail to the Applicant, as the offences alleged fall within the

category of non-compoundable offences. It is settled law that compromise between the parties cannot be made basis for grant of bail in such offences, particularly where the victim is a minor and the allegations are of serious nature.

7. In the circumstances, the material available on record prima facie connects the Applicant with the commission of the alleged offence and does not call for further inquiry within the meaning of Section 497(2) Cr.P.C.

8. For the foregoing reasons, this Court finds no merit in the instant bail application, which is hereby dismissed. It is, however, clarified that all observations hereinabove are purely tentative and confined to the adjudication of the present bail application. Nothing stated in this Order shall be construed as an opinion on the merits of the case, and the trial Court shall proceed independently, uninfluenced by any observations contained herein.

JUDGE

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