

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.472 of 2026

Applicant : Akhtar son of Ghulam Fareed,
Through: Mr. Jamil Ahmed,
advocate.

Complainant : Khuda Bukhsh, Through:
Mr. Muhammad Asim, advocate.

The State : The State: Through Mr. Mumtaz Ali
Shah, Additional Prosecutor General,
Sindh

Date of hearing : 18.03.2026

Date of Order : 18.03.2026

ORDER

Jan Ali Junejo, J:-- Through this application under Section 497 Cr.P.C., the applicant/accused seeks post-arrest bail in case FIR No.379/2025 registered at P.S. Sir Syed for offences punishable under Sections 377 PPC, subsequently 337-B, 376(3) and 506-B PPC. The applicant has challenged the order dated 03.02.2026 passed by the learned IInd Additional Sessions Judge, Karachi Central, whereby his third bail application was dismissed.

2. Briefly, as per contents of the FIR lodged on 07.07.2025 by complainant Khuda Bukhsh, it is alleged that on 17.06.2025 at about 11:00 a.m., the applicant/accused, on the pretext of false assurance, took the minor son of the complainant, namely Abu Bakar aged about 15 years, to his house situated in Katchi Abadi, Bilal Colony, North Karachi, where at gunpoint he committed an unnatural offence with him and extended threats to prevent disclosure. The complainant further alleged that upon his return from village, the

victim disclosed the incident, and after failure of settlement through Jirga, the matter was reported to police.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to family disputes and business rivalry. He argued that there is an unexplained delay of about 20 days in lodging the FIR, which creates serious doubt. He further submitted that the victim allegedly disclosed the incident to a tutor, 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.

4. Conversely, learned APG opposed the grant of bail and submitted that the victim has consistently implicated the applicant in his 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.

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 15 years, has consistently implicated the applicant in his statement recorded under Section 164 Cr.P.C. as well as during his deposition before the trial Court. His 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. As regards the delay in lodging the FIR, the same has been plausibly explained in the FIR itself, wherein it is stated that the complainant was out of station and upon his return, efforts were made to resolve the matter through Jirga. Such delay, in the peculiar facts of the case involving a minor victim and social stigma, does not create any dent in the prosecution case at this 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. Furthermore, the previous bail applications of the applicant have already been dismissed by the learned trial Court, and no fresh ground of substance has been brought on record to justify a different view by this Court.

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. These are the detailed reasons for the short order dated 18.03.2026, whereby the bail application of the applicant was 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