

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S- 705 of 2026

Applicants: 1. Muhammad Sulleman son of Muhammad Ajmal, Shaikh,

2. Muhammad Shareef son of Muhammad Fazil, Shaikh **through** Mr. Shabbir Ali Bozdar Advocate.

The State Through Mr. Muhammad Raza Katohar,
Deputy Prosecutor General, Sindh.

Date of hearing & Order: 01-09-2026.

ORDER.

Suresh Kumar, J --- Through instant bail application, applicants named above seek post arrest bail in a case bearing crime No. 143/2026, offence u/s 371-A, 371-B PPC registered at Police Station Ubauro District Ghotki.

2. The brief facts of the case are as follows: The complainant party, headed by ASI Sikandar Ali Dahar of PS Ubauro, received information that Muhammad Salman and Muhammad Shareef were involved in providing women to individuals and that they were facilitating the presence of unknown women in the Muslim colony of Ubauro for the purpose of selling and purchasing women for illicit intercourse. Acting on this information, they proceeded to the location and observed nine male individuals and three females present. The complainant party apprehended the present applicants/accused, while the remaining co-accused managed to flee. The apprehended accused disclosed their names as Muhammad Bux, Shahid, Imran Ali, and Naveed. Upon conducting a body search, the complainant recovered cash from all the accused, as well as three mobile cell phones from three of the accused, as detailed in the FIR. The FIR was lodged by ASI Sikandar Ali Dahar on 13 July 2026 on behalf of the State.

3. The applicants initially sought post arrest bail from the Court of the learned Additional Sessions Judge-II/Special Court Anti-Rape Mirpur Mathelo, which was dismissed vide order dated 18.07.2026. Aggrieved by this dismissal, the applicants have approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicants/accused and the learned Deputy Prosecutor General for the State who has opposed for grant of post arrest bail.

5. Having given due consideration to the arguments advanced by the counsel for the parties and having perused the material available on record, it reveals that sections 371-A and 371-B are applied in the FIR. From the perusal of sections 371-A and 371-B of the Pakistan Penal Code (PPC), it is clear that these provisions apply only to persons who sell or purchase any individual with the intent that such person would be used for the purpose of prostitution or illicit intercourse. In this case, no material is available against accused Muhammad Salman and Muhammad Shareef to substantiate the commission of the offense. Furthermore, no statements from independent individuals in the locality have been recorded by the police in support of the allegations leveled in the FIR. Therefore, the case against them requires further inquiry. The record further reveals that the remaining ten co-accused have already been granted bail by the trial court. In similar circumstances, this Court, in the unreported case of Mst. Wazeeran and others vs. State (Cr. Bail Application No. S-631 of 2021), has granted bail and held as follows:

"After hearing learned counsel for the applicants, the DPG for the State, and perusing the material available on record, it appears that there are no allegations against the applicants that they sell, let for hire, or otherwise dispose of to any person with the intent that such

person would be used for the purpose of prostitution or illicit intercourse. The legislature, in its wisdom and having regard to the existing norms of society, was conscious of the fact that if cases under such offenses were permitted to be registered based on spy information or on complaints lodged by anonymous persons, such practices would encourage false reports involving innocent men or women for ill designs. It is, therefore, required that the recovery should conform to the mandatory requirements of Section 103 of the Code of Criminal Procedure (Cr.P.C.). Non-observance of legal requirements by the police will give a strong impression of mala fides on the part of the police. In this regard, reliance is placed upon the case of Ghulam Qadir Faraz alias Babar v. Station House Officer, Police Station Saddar Kamoke and 2 others (2012 P.Cr.L.J 638)."

6. Moreover, applicants/accused have already been remanded in Judicial custody and they are no more required and all the witnesses shown in the FIR are police officials, therefore, there is no likelihood of tampering with evidence.

7. For the foregoing reasons and guidance taken from above cited case law, I am of the considered view that the applicants/accused have made out their case for bail, therefore, their bail application is application is allowed and they are granted post arrest bail subject to furnishing solvent surety in the sum of Rs. 50,000/- (Fifty thousand) each and PR bond in the like amount to the satisfaction of trial court.

8. Needless to say that above observations are tentative in nature and will not prejudice the case of either party during trial.

J U D G E