

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Before:

Mr. Justice Khalid Hussain Shahani

Mr. Justice Muhammad Jaffer Raza

Cr. Bail Application No.D-30/2025

Applicant:	Saqlain Abbas Soomro Through Mr. Muhammad Hashim Soomro, Advocate.
Complainant:	Through Mr. Inam-u-Rehman, Advocate.
Respondent:	The State Through Mr. Nazeer Ahmed Bhangwar, Deputy Prosecutor General, Sindh.
Date of short order:	01-07-2025
Reasons of short order:	08-07-2025

ORDER

KHALID HUSSAIN SHAHANI, J.--- Through this post-arrest bail application filed under Section 497 Cr.P.C. read with Section 21-D of the Anti-Terrorism Act, 1997, the applicant/accused Saqlain Abbas Soomro seeks his release in a case bearing Crime No.57 of 2025, of P.S. Civil Lines, District Larkana, offence under Sections 295-A and 298-A of the Pakistan Penal Code. His earlier bail plea was declined by the learned Special Judge, Anti-Terrorism Court, Larkana, vide order dated 05.05.2025.

2. As per the prosecution, on 27.03.2025, the applicant allegedly uttered blasphemous remarks against revered Islamic personalities and disseminated an audio voice note containing such remarks in a WhatsApp group. The FIR was lodged on 05.04.2025, allegedly after consultation with a religious scholar.

3. The learned counsel for the applicant contends that the applicant is innocent and falsely implicated due to sectarian bias. The FIR was delayed by nine days without justification. The applicant is a

juvenile aged 15 years, as confirmed by NADRA's B-Form, and a student of Class Xth. Reliance is placed on Section 6 of the Juvenile Justice System Act, 2018, which mandates bail for juveniles in non-prohibitory offences unless exceptional circumstances exist, which are not present here. It is further submitted that the prosecution lacks direct evidence, as there is no recovery, no forensic link to the audio note, and no ownership proof of the alleged device or SIM used. It is urged that the provisions of Section 196 Cr.P.C. were violated as no prior sanction was obtained from the Provincial or Federal Government for initiating proceedings under Section 295-A PPC.

4. The learned Assistant Prosecutor General opposed bail citing the sensitive nature of the allegations, but reluctantly conceded that no Government sanction in pursuance of section 196 Cr.P.C. was obtained.

5. We have heard the learned counsel for the parties and examined the material on record. Section 196 Cr.P.C. imposes a mandatory bar on taking cognizance of offences under Section 295-A PPC without prior sanction from the competent Government authority. Admittedly, no such sanction exists in this case. The underlying object of this statutory safeguard is to prevent abuse of blasphemy laws, maintain communal harmony, and protect freedom of speech under Article 19 of the Constitution.

6. The wisdom behind the imposition of the bar under Section 196 Cr.P.C. lies in the highly sensitive nature of offences like Section 295-A PPC, which pertain to religion and public sentiment. Such provisions are prone to misuse for ulterior motives, including personal vendettas, sectarian hostility, or political persecution. The requirement for prior governmental sanction ensures an administrative filter to assess whether the act in question was truly malicious and deliberate or a misinterpretation, exaggeration, or act lacking criminal intent. It also serves as a safeguard to maintain

public order by reducing the risk of incitement, mob violence, or vigilante justice. Furthermore, it reflects the State's commitment to balancing the protection of religious sentiments with fundamental rights, including freedom of expression as enshrined under Article 19 of the Constitution of the Islamic Republic of Pakistan. Article 19 guarantees every citizen the right to freedom of speech and expression, subject to reasonable restrictions imposed by law in the interest of the glory of Islam, public order, and morality. Section 196 Cr.P.C. operates as a legislative mechanism to enforce these reasonable restrictions, ensuring that any prosecution for speech-related offences is not initiated arbitrarily or without responsible oversight. Thus, Section 196 Cr.P.C. serves as a check on arbitrary and impulsive prosecutions in blasphemy-related cases, preserving both public order and constitutional freedoms.

7. The courts have consistently upheld the mandatory nature of this requirement. In *Mubarak Ali v. The State* (PLD 1997 Lahore 301), FIR registered without sanction was declared void. Similarly, in *Muhammad Ayub v. The State* (2011 YLR 2069), the Lahore High Court treated Section 196 Cr.P.C. as a jurisdictional bar. This Court in *Muhammad Hanif v. The State* (2022 PCr.LJ 901) and *Shaheryar Mehar v. The State* (PLD 2014 Sindh 271) reaffirmed that this sanction is not a formality but a substantive precondition.

8. On merits, the delay of nine days in lodging the FIR remains unexplained and casts doubt on the prosecution's version. The applicant being a juvenile is entitled to liberal consideration for bail, especially in non-prohibitory offences. Sections 295-A and 298-A PPC carry maximum sentences of ten and three years, respectively. No compelling reasons have been shown to deny bail under Section 6 of the Juvenile Justice System Act, 2018. The requirement of "deliberate and malicious intent" under Section 295-A PPC is a matter for trial and is questionable in the case of a minor.

9. The prosecution has failed to link the alleged voice note to the applicant through forensic or digital evidence. No device has been recovered, and no technical examination has been conducted. In similar circumstances, bail was granted in *2017 YLR 1665* and *2025 PCr.L.J 526*, where the courts held that absence of Government sanction under Section 196 Cr.P.C. and lack of direct evidence rendered the matter fit for further inquiry under Section 497(2) Cr.P.C.

10. It is well settled that at bail stage, a tentative assessment of the material is to be made, and the benefit of doubt must favor the accused. In view of the applicant's minority, the statutory non-compliance, unexplained delay, and absence of incriminating evidence, a case for further inquiry is made out. Accordingly, the applicant Saqlain Abbas was admitted to bail upon furnishing solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand Only) and a Personal Bond in the like amount to the satisfaction of the trial Court by short order dated 01.07.2025 and these are reasons thereof.

11. The observations made herein are tentative and shall not affect the trial proceedings.

JUDGE

JUDGE

Asghar Altaf/P.A