

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Post Arrest-Bail Application No. S-537 of 2025

Date of hearing	Order with signature of Judge
Applicant:	Abdul Rehman son of Shahban by caste Kazi, Resident of village Salehan, Taluka Pano Aki, District Sukkur. (Now confined at Central Prison-I Sukkur.
	Through Mr. Ali Hassan Abbasi Advocate.
The State:	Through Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General, Sindh.
Date of hearing:	04.08.2025.
Dated of order	04.08.2025.

ORDER

- Khalid Hussain Shahani, J---**Applicant Abdul Rehman Qazi, seeks post arrest bail in a case bearing No. 30/2025, registered at Police Station Pano Akil for offences under Sections 452, 376 & 506/2 PPC. His previous applications were repeatedly declined by the learned II-Additional Sessions Judge/GBVC, Sukkur.
2. I have heard the learned counsel for the applicant, Mr. Ali Hassan Abbasi, as well as the learned Deputy Prosecutor General for the State, Mr. Mansoor Ahmed Shaikh. I have also meticulously perused the record of the case made available to this Court.
3. The gravamen of the allegations, as encapsulated in the FIR lodged by complainant Abida Parveen, is that on the 31st of January, 2025, the applicant, along with co-accused, committed criminal house-trespass by entering her residence while armed. It is further alleged that the applicant forcibly took the complainant’s younger sister, Mst. Farha alias Mehak, into a room and committed the heinous offence of Zina-bil-Jabr (rape) with her, subsequently threatening the complainant with dire consequences and blackmail.
4. Learned counsel for the applicant vehemently contends that the applicant is innocent and has been falsely roped into this case as a consequence of a pre-existing matrimonial dispute, highlighting the fact

that the alleged victim is the real sister of the applicant's wife. The crux of his argument rests on the subsequent conduct of the complainant and the alleged victim, who have both filed sworn affidavits before the competent court, entirely exonerating the applicant from the commission of any offence. It is thus argued that the very substratum of the prosecution case has been eroded, rendering the matter one of further inquiry.

5. The learned Deputy Prosecutor General for the State, in his characteristic fairness and in light of the aforementioned developments, has candidly conceded to the grant of bail and has not opposed the instant application.

6. Having considered the submissions of both sides and upon a tentative assessment of the material on record, this Court finds that there are several factors which militate in favour of the applicant at this preliminary stage. It is a settled principle of law that while deciding a bail application, the court is not to conduct a deep or meticulous sifting of the evidence, but is to form a view on whether reasonable grounds exist to connect the accused with the alleged offence.

7. In the instant case, the most significant development is the sworn testimony of the complainant and the victim herself, who have resiled from their initial statements and have absolved the applicant of all wrongdoing. While the evidentiary value of these affidavits is a matter for the learned Trial Court to determine, their existence at this juncture cannot be overlooked and lends considerable weight to the applicant's plea of false implication. Not only this, but both are present in person and on query support the averments of affidavits placed on record.

8. Furthermore, the medico-legal evidence, which is often a cornerstone in cases of this nature, fails to provide any corroboration to the prosecution's narrative. The DNA report on record is explicit in its finding that the vaginal swabs of the victim contained no trace of male DNA or semen. This scientific evidence directly contradicts the allegation of rape and substantially weakens the charge under Section 376 PPC. It is also pertinent to note that the investigating agency itself, after conducting its probe, had initially recommended the disposal of the case under "C" class, signifying a lack of credible evidence.

9. In light of the foregoing reasons including, the complete exoneration by the complainant and the victim via affidavits, their presence in court, recording no objection for grant of bail to applicant, the absence of corroborative scientific evidence, and the concession by the State, this Court is of the considered view that the applicant has successfully made out a case falling within the purview of subsection (2) of Section 497 of the Cr.P.C. Consequently, the instant bail application is allowed. The applicant, Abdul Rehman Qazi, shall be released on bail subject to his furnishing a solvent surety in the sum of Rs. 100,000/- (Rupees One Lac only) and a Personal Recognizance bond in the like amount, to the satisfaction of the learned Trial Court.

10. It is clarified that any observations made hereinabove are tentative in nature and shall not, in any manner, influence the learned Trial Court during the final adjudication of the case on its own merits.

J U D G E

Nasim/P.A