

## IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-578 of 2025

Applicant : Mst. Shahnaz w/o Ali Muhammad, by caste Bhatti,  
Through Mr. Aijaz Ahmed Puno, Advocate

The State : Through Mr. Raza Muhammad Katohar, DPG.

Date of hearing : 08-08-2025

Date of short order : 08.08.2025

Date of detailed order : 11.08.2025

### **O R D E R**

**KHALID HUSSAIN SHAHANI, J.** – Mst. Shahnaz Bhatti, seeks post-arrest bail in a case bearing Crime No. 49 of 2025 of P.S. “A” Section Sukkur, for offence under Sections 371-A, 371-B, 34 PPC and Section 3 of the Prevention of Trafficking in Persons Act, 2018.

2. The brief allegation against the applicant, as set out in the FIR, is that during routine patrol police allegedly received spy information that applicant, along with co-accused Nazar Hussain, had purchased a woman namely Mst. Maria Arain along with her eight months daughter from Liaquatpur for purposes of prostitution, and that they were present outside Benazir Park, Military Road, Sukkur, waiting for a buyer. The police claim to have apprehended both accused at the spot, while the alleged victim purportedly disclosed that she had been purchased for a sum of Rs.40,000/-. It is an admitted position that nothing incriminating whatsoever was recovered from the applicant at the time of arrest.

3. Mr. Junejo, learned counsel for the applicant mainly contended that the applicant is innocent and has been falsely implicated due to a monetary dispute with the police officials who, according to him, unlawfully obtained Rs.54,000/- from her companion and, upon resistance, fabricated the present case. It was urged that the investigation suffers from glaring legal defects; even the scrutiny note prepared by the In-charge DPP Sukkur records that the Investigating Officer failed to collect any evidence to substantiate the allegation of sale or purchase under Sections 371-A and 371-B PPC, did not constitute the

Joint Investigation Team as required under the Anti-Rape Act, 2021, and did not record the statement of the alleged victim under Section 164 Cr.P.C. It was further argued that the alleged occurrence is said to have taken place in a thickly populated area equipped with CCTV cameras, yet no footage was collected, nor were any private witnesses associated in violation of Section 103 Cr.P.C. There is no statement from any relatives of the alleged victim and no independent corroboration of the police version; the only basis for the allegation is the oral assertion of police officials coupled with a statement under Section 552 Cr.P.C., allegedly made under police influence. Counsel submitted that in these circumstances the case falls squarely within the ambit of further inquiry under Section 497(2) Cr.P.C., and the applicant, being a woman, is entitled to the concession of bail

4. Conversely, learned Deputy Prosecutor General, Mr. Raza Muhammad Katohar, opposed the plea, maintaining that both accused were apprehended red-handed along with the victim and her child, that the victim clearly implicated the applicant while narrating the transaction amount and the purpose, and that the offences charged carry grave punishments falling within the prohibitory clause, affecting the moral fabric of society; therefore, releasing the applicant on bail at this stage would send an adverse message.

5. I have considered the submissions of both sides and examined the investigation record. It is notable that apart from the oral assertions of police officials and the statement attributed to the victim in proceedings under Section 552 Cr.P.C., there is no tangible or independent evidence to establish that any transaction for sale or purchase actually took place, which is requirement to establish provisions of sections 371-A & 371-B PPC. Admittedly, no CCTV footage from the alleged place of arrest has been produced despite the acknowledged availability of cameras. No private witnesses were associated, even though the location is situated in throughfare place. No marked currency, receipts, or any documentary proof of payment have been recovered. The statement of the alleged victim was never recorded before a Magistrate under Section 164 Cr.P.C., and the prosecution's own scrutiny note acknowledges deficiencies in the investigation. These omissions materially diminish the evidentiary value of the prosecution case at this stage

6. In view of these circumstances, the available material does not provide sufficient grounds to conclusively connect the applicant with the commission of the alleged offence without resorting to trial. The matter, therefore, calls for further inquiry within the meaning of Section 497(2) Cr.P.C. The applicant is a woman who has been in custody since 09.02.2025, and there is no indication that the trial will conclude in the near future. Mere severity of the punishment cannot, by itself, be a bar to bail when the supporting evidence is lacking in independent corroboration.

7. Accordingly, the applicant Mst. Shahnaz was admitted to post-arrest bail subject to her furnishing solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the trial Court by the short order dated 08.08.2025. These are the detailed reasons for such order.

8. It is clarified that the tentative observations made herein are confined to the determination of this bail plea and shall not prejudice the learned trial Court in deciding the matter on merits.

**J U D G E**