

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

## (i) Criminal Bail Application No. S-567 of 2025

Applicants : 1. Akbar Ali @ Akbar s/o Muhammad Hashim @ Hashim  
2. Anwar Ali @ Anwar s/o Muhammad Hashim @ Hashim  
3. Haq Nawaz s/o Mitho Khan @ Mitho  
4. Ghulam Yaseen @ Yaseen s/o Mitho Khan @ Mitho  
5. Arshad Ali @ Irshad s/o Qaimuddin @ Qaim  
6. Muhammad Afzal @ Afzal s/o Allah Jiwayo  
7. Muhammad Ismail @ Ismail s/o Allah Warrayo  
8. Khan Muhammad s/o Sahib Dino @ Saban  
9. Ghulam Qadir s/o Khan Muhammad  
10. Abdul Fatah s/o Khan Muhammad  
11. Ghazi s/o Allah Dad  
12. Muhammad Nawaz @ Nazo s/o Khair Muhammad  
13. Makhan s/o Allah Dad  
14. Khamiso s/o Ghulam Muhammad @ Ghulamoo  
15. Bakhshan Ali @ Bakhshan s/o Ghulam Muhammad @ Ghulamoo  
16. Ali Gohar s/o Ameer Bux  
17. Imdad Hussain @ Imdad s/o Nazeer Ahmed  
18. Allah Bux @ Bashan s/o Allah Wassayo  
19. Aftab Ali @ Aftab s/o Mocharo  
20. Shahban @ Safdar Hussain s/o Muhammad Shareef, all by caste Bhutto

## (ii) Criminal Bail Application No.S-635 of 2025

Applicants : 1. Asghar Ali Bhutto s/o Allah Jiwayo  
2. Faiz Muhammad s/o Khan Muhammad both by caste Bhutto

**AND**

## (iii) Criminal Bail Application No.S-636 of 2025

Applicant : Shoukat Ali s/o Allah Jiwayo, by caste Bhutto  
Complainant : Imran Ali s/o Wahid Bux by Charan Through Mr. Rashid Ali Sindhu, Advocate  
The State : Through Mr. Muhammad Raza Kotohar, DPG  
Date of hearing : 22.09.2025  
Date of order : 29.09.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.** –By this single order three bail applications including Nos. S-567 & 636 of 2025 for anticipatory bail and No. S-635 of 2025 for post-arrest sought by the above-named applicants, stemming out of a case bearing crime No.14/2025 for offences under Sections 452, 395, 365-B, 114, 436, 337-H(ii), 427, 148, and 149 PPC, registered at Police Station Retti, District Ghotki. Previously, the bail applications of above-named accused were declined by the learned Additional Sessions Judge-II, Mirpur Mathelo, by separate orders.

2. The prosecution's case as narrated in the FIR lodged by the complainant, Imran Ali Charan, on June 22, 2025, relates to an incident on June 7, 2025. It is alleged that the accused, armed with deadly weapons, forcefully entered the complainant's residence, looted valuable household articles including cash and gold ornaments, set the house ablaze, stole buffaloes and cows, and abducted two women, Mst. Zainab and Mst. Mehnaz. The alleged purpose of the abduction was to compel the women into marriage or illicit sexual intercourse. Further, the complainant contended that prior to these events, the accused had threatened his cousin Waseem upon his refusal to avoid a certain street, indicating pre-existing tensions between the parties.

3. The defense counsel argued strongly in favor of bail, asserting that the accused are innocent and victims of false implication born out of long-standing enmity. Counsel highlighted the unexplained delay of fifteen days in lodging the FIR, an omission that fundamentally undermines the reliability and immediacy of the prosecution's narrative. Such delay, as extensively held by the superior courts, including in *Abid Ali alias Ali v. The State* (2011 SCMR 161), erodes the evidentiary weight of complaints and raises suspicion regarding motives behind delayed registration. Furthermore, it was submitted that certain applicants were not named in the initial FIR but were introduced subsequently through supplementary statements recorded on July 3 and July 22, 2025; this lateness detracts markedly from the credibility of the allegations against those individuals. The defense also relied on the fact that the abducted women, in their statements recorded under Sections 161 and 164 Cr.P.C, did not implicate the accused in sexual abuse or illicit relations, thereby significantly weakening the prosecution's case. The defense drew attention to the fact that the complainant's family dominates the witness roster, which raises concerns about potential bias and the objectivity of the evidence. The applicants were further supported by the repeal of a counter FIR bearing No.115/2025 filed by them against the complainant's party, which had been declared false and disposed of under category 'B', indicating reciprocal hostility and the presence of a vendetta. Regarding the recovery of incriminating material, counsel challenged the prosecution's claim of recovery of empty cartridge shells and seized livestock, stressing the substantial delay of fifteen days before such recoveries were documented and the absence of direct possession by the accused. This casts doubt on the authenticity and prosecution's narrative of these alleged recoveries.

4. The learned Deputy Prosecutor General anchored his arguments on the recovery of the abducted women and livestock, corroborated by photographic evidence of burnt household items. He contended these facts sufficiently supported refusal of bail. He pointed out that the allegations in the Section 164 Cr.P.C statements linked the accused to the offences despite the absence of forensic evaluation of photographic evidence at this stage.

5. After careful scrutiny, there appears sufficient delay in lodging FIR without plausible justification, which is highly detrimental to the prosecution's case. As the prosecution has failed to explain to inordinate delay of registration of FIR it can be safely assumed that such delay is attributed to consultation and deliberation to cook up the prosecution story in order to involve accused since they are prosecuting the complainant and prosecution witnesses in the murder case. Reliance is placed on the case of *Mohammad Ishaq v. the State (2007 SCMR 108)* in that case the Honorable Apex Court considered delay in registration of FIR coupled with the fact that the enmity between the parties was proved.

6. There are mutual FIRs filed by both parties for the same incident indicate deep-seated enmity, which is a recognized factor in bail jurisprudence bearing on the risk of false implication. Therefore, the exaggeration of the facts and involvement of as many as accused cannot be ruled out.

7. The recovery process also raised serious questions as it was neither immediate nor conclusively linked to the accused's possession, undermining the prosecution's claim of material evidence. Importantly, the statements of the abducted women found no instance of sexual assault or forced intercourse, thus negating the gravamen of the prosecution's allegations.

8. Moreover, names of some of the accused including Shoukat Ali, Rano, Asif, Lalu, Hasil, Jaffer, Habib, Muhammad Murad, Dildar and Abid have been introduced by the complainant and witnesses in their further statements recorded after considerable delay on 03.07.2025 and 22.07.2025 respectively' though all of them reside in the same village, hence same possess weak evidentiary value unless supported by independent corroboration. Therefore, cannot be confidently relied upon as held in *Mohammad Asif v. State (2017 SCMR 486)* and *Syed Saeed Muhammad Shah & others v. State (1993 SCMR 550)*. Such delay is fatal to the reliability of witness testimony. The abducted women's statements did not implicate the accused in sexual violence, weakening the core allegations. The existence of mutual FIRs, long-standing enmity, and declarations of hostility strongly suggest motives of reciprocal implication. Alleged recoveries of livestock and other items conducted after significant delay and lacking direct connection to the accused undermine claims of possession and guilt.

9. The above factors raise considerable doubt about the strength of the prosecution case at this stage. As per authoritative judgments, delay in FIR registration and witness statements, alongside uncorroborated and interested testimony, have consistently been grounds for bail due to further inquiry and lack of satisfaction as to guilt beyond reasonable doubt (*Abid Ali alias Ali v. The State (2011 SCMR 161), 2023 SCMR 330*).

10. In light of these facts and established legal principles, it is apparent that the prosecution evidence at this juncture is far from conclusive and gives rise to reasonable doubt. Consequently, the Court determined that this case squarely falls within the scope of *further inquiry* as outlined in Section 497(2) of the Criminal Procedure Code, rather than warranting outright denial of bail. Accordingly, interim bails granted to the applicants in Criminal Bail Applications No. S-567 of 2025 and S-636 of 2025, vide orders dated 07.07.2025 and 29.07.2025 respectively are confirmed on same terms and conditions. Simultaneously, applicants in Criminal Bail Application No. S-635 of 2025 are admitted to post-arrest bail, subject to each applicant furnishing solvent sureties and personal bonds of Rs.50,000/- (fifty thousand rupees) each to the satisfaction of the learned trial court.

11. The observations made herein above are tentative in nature and shall not prejudice the ultimate determination of guilt or innocence during trial. Office is directed to place a signed copy of this detailed order on record in the connected matters to ensure consistency and clarity across all proceedings related to this case.

**J U D G E**