

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-85 of 2026

Applicants : Mst. Zubaida w/o Ashique Hussain by caste
Maitlo, Resident of Latif Colony Khairpur,
Taluka and District Khairpur.

Through Mr. Nadeem Ahmed Malik, advocate.

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

Date of Hearing : 09-02-2026

Date of Order : 09-02-2026

ORDER

KHALID HUSSAIN SHAHANI, J. – Applicant Mst. Zubaida, seeks confirmation of pre-arrest bail in a case bearing Crime No. 471 of 2025, registered at Police Station B-Section, Khairpur, for offences under Sections 371-A and 371-B of the Pakistan Penal Code. Her earlier plea before the learned IV-Additional Sessions Judge (GBVC), Khairpur, was declined vide order dated 21.01.2026.

2. The prosecution's narration, as distilled from the FIR lodged by HC Kausar Ali Abro, postulates that on 15.12.2025, the complainant, acting upon prior intelligence, conducted a raid on the applicant's premises situated at Deh Nizamani, wherein Mst. Maria and Mst. Sonia were found allegedly engaged in activities relatable to prostitution. The FIR was consequently registered on behalf of the State under the said penal provisions.

3. Learned counsel for the applicant and the learned Deputy Prosecutor General were heard at considerable length. The latter, in all fairness, raised no objection to the grant of bail, invoking the rule of consistency.

4. Perusal of the record and the factual substratum reveals that the allegations, even if taken at their face value, do not squarely attract the mischief of Sections 371-A and 371-B PPC. The FIR is conspicuously bereft of averments indicating sale, purchase, abduction, or any element of coercion indispensable to the statutory ingredients of the alleged offences. The investigative omission to associate private persons during the raid, in disregard of Section 103, Cr.P.C., further erodes the probative value of the prosecution narrative. No independent material, recovery, or ocular corroboration substantiates the charge. The case has since been challaned, and the applicant is no longer required for investigative purposes.

5. In such perspective, the penal sections invoked appear prima facie disproportionate to the factual allegations, invoking the curative jurisdiction of this Court under Section 497(2), Cr.P.C., wherein the case merits the benefit of further inquiry.

6. Accordingly, the instant bail application is allowed. The ad-interim pre-arrest bail earlier granted to the applicant on 27.01.2026 is hereby confirmed on the same terms and conditions.

7. It is, however, observed that all observations herein are tentative and shall not prejudice the learned Trial Court in adjudicating the matter on evidence adduced before it.

J U D G E