

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Bail Application No. S-89 of 2026

Applicants : 1. Mst. Maria w/o Luqman bycaste Rajput.
2. Mst. Sonia d/o Sharif by caste Jatt.
(Presently confined at Women Prison Sukkur)
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.— Applicants, Mst. Maria and Mst. Sonia, seek post-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, P.P.C. Their earlier plea for the same relief stood declined by the learned IV-Additional Sessions Judge/(GBVC), Khairpur, vide order dated 20.01.2026.

2. The substratum of the prosecution case, distilled from the F.I.R. lodged by complainant H.C. Kausar Ali Abro, is that on 15.12.2025, acting upon undisclosed intelligence, the police party allegedly apprehended the applicants from the premises of one Mst. Zubaida in deh Nizamani, claiming them to be involved in the illicit traffic of women for purposes of prostitution. On such assertion, the present F.I.R. was set in motion by the complainant ostensibly on behalf of the State.

3. I have heard the learned counsel for the applicants as well as the learned Deputy Prosecutor General representing the State. The learned law officer, with commendable candor, raises no demur to the concession of bail, subscribing to the plea of parity as advanced by the defense.

4. This Court, as the constitutional sentinel of individual liberty under Article 10-A of the Constitution and within the schematic design of Section 497, Cr.P.C., has subjected the record, the F.I.R., and the prosecutorial stance to exacting scrutiny. The allegations, in their native form, scarcely actuate the statutory ingredients of Sections 371-A and 371-B, P.P.C., both of which predicate culpability upon demonstrable proof of sale, purchase, or inducement for prostitution, the elements conspicuously absent from the F.I.R.'s sparse recital. The prosecution's narrative, devoid of any reference to transaction, consideration, coercion, or victimhood, appears more conjectural than justiciable.

5. Further, the omission to associate private witnesses, as mandatorily envisaged under Section 103, Cr.P.C., casts a grave procedural shadow upon the claimed recovery proceedings. No independent corroboration, digital proof, or post-arrest recovery has been shown to lend probative weight to the allegations. The applicants remain incarcerated while investigation stands concluded; hence, continued detention would transmute the process of bail into a punitive prelude, a consequence alien to our constitutional ethos.

6. Given the above anomalies, and mindful of the interpretative prudence embedded in Section 497(2), Cr.P.C., this Court finds the case to be one of further inquiry, warranting the applicants' release on bail.

7. Accordingly, the applicants named herein are admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.30,000/- (Rupees Thirty Thousand only) each and a personal recognizance bond in the like amount to the satisfaction of the trial Court.

J U D G E