

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appl. No. S-1228 of 2025

Applicant : Abdul Hamed s/o Allah Wadhayo, Narejo  
*Through Mr. Sameeullah Khan Rind, Advocate*

The State : *Through Mr. Shafi Muhammad Mahar, DPG*

Dated of Hearing : 27.02.2026  
Dated of order : 27.02.2026

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.—** Applicant Abdul Hameed, seeks the concession of post-arrest bail in Crime No.215 of 2025, for offences under Sections 365-B, 376, and 344 of the Pakistan Penal Code, registered at Police Station Shaheed Murtaza Mirani, District Khairpur,. His earlier plea for bail having been declined by the learned Additional Sessions Judge-IV (GBVC), Khairpur, vide order dated 29.09.2025, he has approached this Court invoking its concurrent jurisdiction.

2. Concise recital of the prosecution's case as delineated in the FIR lodged by complainant Mukhtiar Hussain Narejo on 17.07.2025 at 1830 hours is that on the intervening night of 15.07.2025, the complainant along with his mother Mst. Zamiran, his minor sister Mst. Sheela Gul @ Muskan aged about 16/17 years, and other family members, retired to the courtyard after locking the outer door of the house. It is alleged that at about 0500 hours, a white-colored carry vehicle halted at their threshold, from which five-armed individuals alighted and, having forcibly entered the house, overpowered the inmates. Out of these, four were identified as Abdul Hameed (applicant), Qalandar Bux, Akram Ali, and Asad Ali, all armed with deadly weapons. The applicant, accompanied by co-accused Asad Ali, allegedly restrained the victim by her arms, dragged her outside despite her cries for help, and seated her in the said vehicle while the remaining accused issued threats of dire consequences to deter resistance. Thereafter, the accused decamped along with the abductee. The FIR further discloses that the complainant's brother Muhammad Maroof was out of station, and upon his return and consultation, the report was lodged.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely ensnared in a fabricated case on account of intra-tribal discord. He submits that there is a delay of two days in the registration of FIR, all witnesses are related *inter se* and, therefore, interested, and that the abductee had in fact entered into a free-will marriage with one Shahid Hussain Panhwar, supported by an affidavit sworn before a Justice of Peace. It is further urged that the co-accused have already been granted post-arrest bail by this Court, hence, on the touchstone of parity and the doctrine of consistency, the applicant too deserves similar indulgence.

4. Conversely, learned Deputy Prosecutor General has vehemently opposed the concession sought, asserting that the applicant stands specifically nominated in the FIR with an explicit and active role of abducting a minor girl at gunpoint. He further contends that the abductee, in her statements recorded under Sections 161 and 164 Cr.P.C, has consistently and unequivocally implicated the applicant and other co-accused, asserting that she was forcibly abducted under threat of arms and later confined at Karachi. It is his argument that the alleged *Nikah* is a contrivance devised to camouflage a penal act, that the same is devoid of voluntary consent, and that the offences fall squarely within the prohibitory clause of Section 497 Cr.P.C, thereby disentitling the applicant from the discretionary relief of bail.

5. Heard. Perused the record with due circumspection.

6. *Prima facie*, the applicant stands specifically and repeatedly nominated with an individually defined role that of apprehending and dragging the victim from her dwelling under threat of arms. The ocular account set forth in the FIR finds support from the statements of the prosecution witnesses recorded under Section 161 Cr.P.C, while the abductee, in her judicial statement under Section 164 Cr.P.C, has explicitly nominated the applicant and squarely corroborated the substratum of the prosecution case. At this tentative stage, her statement bears significant probative value; judicial propriety does not permit

its outright rejection unless materially contradicted by incontrovertible evidence, which is presently lacking. The defence plea of a voluntary marriage strikes as implausible in view of the victim's age around 16/17 years, rendering her, *prima facie*, minor and legally incapacitated to contract a valid marriage independently. Her categorical denial of any such marriage in her 164 Cr.P.C statement further erodes the veracity of that plea.

7. As regards the delay of two days in lodging the FIR, the same stands rationally accounted for in the narrative itself. The law is well-settled that mere delay, when satisfactorily explained and coupled with specific nomination and clear attribution, cannot by itself constitute a ground for bail. The offences under Section 365-B PPC, being punishable with imprisonment for life, indubitably fall within the prohibitory clause of Section 497 Cr.P.C. The incriminatory role ascribed to the present applicant is distinct and direct; therefore, parity with co-accused, who may have been extended bail on distinguishable factual premises, cannot be invoked mechanically. The judicial conscience of this Court is not persuaded to hold that the applicant's continued custody is unwarranted at this stage.

8. In the circumstances discussed above, I am constrained to hold that reasonable grounds exist to believe that the applicant is *prima facie* connected with the commission of the alleged offences, thereby disentitling him to the discretionary relief of post-arrest bail under Section 497 Cr.P.C. Accordingly, the instant Criminal Bail Application is dismissed. It is, however, clarified that all observations made herein are tentative in nature, confined to the disposal of this bail application, and shall not influence the trial Court while adjudicating the matter on merits.

**J U D G E**