

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3042 of 2025

Applicant : Faraz, Through: Mr. Abdul Hakeem Shar, Advocate.

The State : The State: Through: Mr. Qamar-ud-, Din Nohri, Deputy Prosecutor General, Sindh

Date of hearing : 17.03.2026

Date of Order : 17.03.2026

ORDER

Jan Ali Junejo, J-- The applicant seeks post-arrest bail from this Court through the instant Criminal Bail Application under Section 497, Cr.P.C. Earlier, the applicant had approached the learned Sessions Court; however, vide order dated 13.10.2025 passed by the learned Vth Additional Sessions Judge, Karachi Malir, the bail application of the applicant was declined.

2. As per contents of the FIR, complainant Mumtaz Hussain reported that on 01.08.2025 at about 8:30 p.m., his minor son aged about 13-14 years went to play but did not return. Upon search, it transpired that the applicant along with co-accused had taken the boy to Bangali Dhaka, Ibrahim Hyderi. The complainant reached there and allegedly found his son sitting between the accused persons, who fled upon seeing him. The minor later disclosed that the accused persons had taken him under pretext and subjected him to inappropriate conduct and attempted to commit an unnatural offence, whereafter the FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in this case; that the entire prosecution case rests upon the interested testimony of the complainant and his son without any independent corroboration; that there is no medical or forensic evidence to substantiate the allegations; that there is delay in lodging the FIR which creates doubt regarding consultation and deliberation; that even otherwise the offence alleged falls within the ambit of attempt, attracting lesser punishment; that the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C.; that the applicant has been behind bars for a considerable period and trial is likely to take time; therefore, he prayed that the applicant be admitted to bail.

4. Conversely, learned Deputy Prosecutor General opposed the application and contended that the minor victim has consistently implicated the applicant in the FIR as well as in his statement recorded under Section 164 Cr.P.C.; that the allegations are serious in nature involving a minor child; that the statement of the victim carries strong evidentiary value at bail stage; and that the case falls within the prohibitory clause of Section 497 Cr.P.C., therefore, the applicant is not entitled to concession of bail and the application is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the available record with their assistance. At the outset, it is noted that the allegation against the applicant pertains to an attempt to commit an offence under Sections 377/511 PPC. The case of the prosecution primarily hinges upon the statement of the complainant and the

minor victim. Admittedly, no independent witness has been cited to support the prosecution version despite the alleged occurrence taking place at a public place. Furthermore, no medical evidence has been brought on record to corroborate the allegation of any attempt or misconduct. At bail stage, absence of such supporting material creates doubt which is sufficient to attract the principle of further inquiry.

6. It is also pertinent that the occurrence allegedly took place at night and the FIR was lodged after some delay, which prima facie requires deeper appreciation at trial. Such delay, in absence of plausible explanation, tentatively indicates possibility of deliberation. The question whether the alleged act constitutes the offence in the manner described or is a case of exaggeration or misunderstanding can only be determined after recording of evidence. At this stage, deeper appreciation of evidence is not warranted.

7. The case, therefore, appears to fall within the ambit of further inquiry as envisaged under Section 497(2), Cr.P.C., entitling the applicant to the concession of bail. Moreover, the applicant is in custody, and the trial is not likely to conclude in the near future. Continued incarceration would serve no useful purpose and would amount to pre-trial punishment. Without delving into the depth of the prosecution evidence, I am of the tentative view that the applicant has made out a case for the grant of bail.

8. For the foregoing reasons, this bail application is allowed. The applicant/accused Faraz son of Siraj is admitted to bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the trial Court. It is, however, clarified that all observations hereinabove are purely tentative and confined to the adjudication of the present bail application. Nothing stated in this Order shall be construed as an opinion on the merits of the case, and the trial Court shall proceed independently, uninfluenced by any observations contained herein. These are the detailed reasons for the short order dated 17.03.2026.

JUDGE