

IN THE HIGH COURT OF SINDH AT KARACHI**Cr. Bail Application No. 3179 of 2025**

Applicant: Abdul Sattar through M/s. Waseem Ali & Muhammad Ajmal Jatoi, Advocates

Complainant: Ameer Mai through Mr. Riaz Hussain Soomro, Advocate

Respondent: The State through Mr. Muhammad Nooran, DPG

Date of hearing: 19.02.2026

Date of order: 19.02.2026

TASNEEM SULTANA, J.— Through this Criminal Bail Application the applicant Abdul Sattar seeks post-arrest bail in FIR No.254 of 2025 registered at Police Station Mehmoodabad, Karachi, East, for offences under Sections 496-A PPC read with Section 3 of the Prevention of Trafficking in Persons Act, 2018; whereafter, during investigation, Sections 376/342/109 PPC were added. Having been rejected his earlier post-arrest bail application bearing CrI. Bail Application No.3476 of 2025 was dismissed by the learned Additional Sessions Judge-III \ Special Court (ARITA), Karachi, South, vide order dated 29.09.2025; hence, this application for the same concession.

2. Brief facts of the prosecution case are that the complainant Amber Bibi, was residing at her house along with her family where her daughter Shazia, aged about 22 years, along with her minor son aged about 3 years, had come to reside due to a domestic dispute with her husband; on 09.06.2025 at about 0700 hours, the complainant woke up and found that her daughter and her grandson were missing from the house; despite making efforts, their whereabouts could not be ascertained; she thereafter suspected the present applicant Abdul Sattar, who belonged to their native village and was stated to have been attempting to establish relations with her daughter, and alleged that he had abducted her daughter with the intention of committing zina/rape, whereafter the instant FIR was lodged against him.

3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated; that the case is based on suspicion; that there is delay in lodging of the FIR; that the victim is sui juris

and had left the house of her own accord due to domestic dispute; ; that on 26.06.2025, prior to recording of her statement under Section 164 Cr.P.C., she submitted a complaint before a Magistrate at Ali Pur, District Muzaffargarh (Punjab), wherein she did not support the allegation of abduction or rape and claimed to have gone voluntarily; that subsequently, her statement under Section 164 Cr.P.C. was recorded wherein allegations were made against the applicant; that thereafter, she has also furnished an affidavit/No Objection Certificate retracting the allegations; that no medical support is available and the DNA report is inconclusive; that, in the circumstances, the case calls for further inquiry; he therefore prayed that the applicant be admitted to post-arrest bail.

4. Learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposed the application and submitted that the victim, in her statements recorded under Sections 161 and 164 Cr.P.C., has attributed a specific role to the applicant in the commission of the alleged offence; that the material collected during investigation, at this stage, supports the prosecution case; therefore, he prayed for dismissal of the instant bail application.

5. Heard; record perused.

6. From the material available on record, it appears that the allegation against the applicant is that he abducted the prosecutrix and committed zina/rape upon her; the material collected during investigation, particularly the statements of the prosecutrix recorded under Sections 161 and 164 Cr.P.C., prima facie connects the applicant with the commission of the alleged offence, and the statement recorded under Section 164 Cr.P.C., having been made before a Magistrate, carries due weight at this stage. It is by now well-settled that in an offence of rape, the statement of the victim alone, if found confidence-inspiring, is sufficient to prima facie connect the accused with the commission of the alleged offence. Reliance in this regard is placed upon the case law reported as 2020 S.C.M.R. 2053, wherein it has been held as under: —

“He lived in the neighborhood and apparently neither the prosecutrix nor her husband, an electrician, who managed a shop, usually throughout the day, had an axe to grind at the cost of their family honour. Investigative conclusions vindicate stance taken by the prosecutrix whose statement coupled with the attending circumstances of the case constitute reasonable grounds within the contemplation of subsection (2) of section 497 of the Code of Criminal Procedure, 1898, standing in impediment to his release on bail.”

The complaint submitted by the prosecutrix before a Magistrate at Ali Pur, District Muzaffargarh (Punjab), prior to recording of her statement under Section 164 Cr.P.C., and the subsequent affidavit/No Objection Certificate, reflect a departure from the version recorded under Section 164 Cr.P.C.; however, the effect and worth of such departure fall within the domain of the trial Court and do not, by themselves, dislodge the inculpatory statement recorded under Section 164 Cr.P.C., particularly in an offence of this nature. The contention regarding absence of direct forensic support is not sufficient to dislodge the other incriminating material available on record at this stage; it is settled law that availability or otherwise of DNA evidence does not, in isolation, determine the fate of a sexual offence case. In the case of ***Shakeel Ahmed v. The State (PLD 2010 Supreme Court 47)***, it was observed as under: —

“It is well-established by now that omission of scientific test of semen status and grouping of sperms is neglect on the part of prosecution which cannot materially affect the other evidence.”

Similarly, in the cases of ***Haji Ahmad v. State (1975 SCMR 69)*** and ***Irfan Ali Sher v. State (Jail Petition No.324/2019, decided on 17 April 2020)***, it has been held as under: —

“As regards the semen not being sent for DNA forensic determination with a view to link it with the perpetrator is not a requirement of law.”

The plea of delay in lodging of the FIR and other defence contentions are matters of trial. The challan has already been submitted before the learned trial Court; no case of further inquiry is made out, and no exceptional circumstance has been shown which may justify grant of bail; rather, the material on record discloses sufficient prima facie nexus of the applicant with the alleged offence. Consequently, the instant post-arrest bail application is dismissed. These are the reasons for the short order 19.02.2025.

It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the trial in any manner.

JUDGE