

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**Crl. Bail Application No. S- 945 of 2026**

Applicant: Abdul Waheed son of Abdul Sattar, bycaste Syed through Mr. Abdul Shakoor Mirbahar, Advocate.

The State Through Mr. Shafi Muhammad Mahar, Deputy Prosecutor General, Sindh.

ORDER.
15.10.2026.

Suresh Kumar, J.--- Applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court vide order dated 22.09.2026, in a case bearing crime No. 62/2025, offence u/s 377, 34, 511 PPC registered at Police Station Sarhad.

2. The brief facts of the case, as depicted in the FIR, are that on 31.05.2025 at 1400 hours, at the Government Tubewell machine near Chakki of Gulzar Mughul, the present applicant/accused Abdul Waheed Shah, along with co-accused Abdul Sattar Malik and two unknown persons, in furtherance of their common intention, committed sodomy with Saqib Ali Malik, the grandson of the complainant. Thereafter, the complainant approached the Nekmards, who kept him on false hopes; ultimately, he went to the police station and lodged the FIR.

3. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG and complainant Muhammad Hassan who is present in person.

4. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant material, it is revealed from the perusal of the FIR that there is a delay of seven days in lodging the FIR, for which no plausible explanation has

been furnished. Moreover, in the FIR, the role of the applicant/accused is shown as having allegedly caught hold of the victim at the time of the sodomy; however, in the 164 Cr.P.C statement, he did not assign the same role and stated that he allegedly recorded a video of the sodomy. Furthermore, the chemical report regarding the internal and external cotton swabs of the victim and the blood sample shows negative results. According to the DNA report, the anal swab sample and the clothes of the victim do not contain any semen stains or sperm fractions. Additionally, co-accused Arslan Ahmed has already been granted bail before arrest by the trial court. The Investigating Officer has also recommended the case as 'C' class. In light of the reasons mentioned above, the case against the applicant/accused calls for further inquiry. After the grant of pre-arrest bail by this Court, the applicant/accused has been regularly appearing before this Court as well as the trial court, and he has not misused the concession of interim pre-arrest bail.

5. For the foregoing reasons above , I am of considered view that the applicant/accused has successfully made out a case for the grant of pre-arrest bail, therefore, the interim pre arrest bail already granted to the applicant, is hereby confirmed on same terms and conditions with direction to appear before trial Court.

6. Needless to mention that the above observations are tentative in nature and will not prejudice the case of parties at the time of trial.

J U D G E