

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-927 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Fayaz Ahmed S/O Baghio Mallah
**Through M/S Syed Faaiz Ali Shah,
& Imtiaz Ali Jalalani Advocate(s).**

The State: Through **Mr. Shafi Muhammad Mahar**, D.PG.

Date of hearing & order: **15.10.2026.**

Suresh Kumar J:- Through instant Criminal Bail Application U/S 498 Cr.P.C the applicant/accused Fayaz Ahmed Mallah, seeks confirmation of his ad-interim pre arrest bail already granted vide order dated 21.09.2026, in Crime No.88 /2026 for an offence Punishable U/S 365-B PPC registered at Police station Mirwah District Khairpur.

2. The facts of the prosecution, as depicted in the FIR, are that on 26.04.2026, the complainant Azad Ali Mallah lodged an FIR with PS Mirwah, stating that he was married to Mst. Ailam Gudi, whom the accused Naeem Mallah was forcing to maintain illicit relations. The complainant had previously made a complaint about this to the Nekmards. On 21.04.2026, the complainant, along with his brother Bakhat Ali, maternal uncle Muhammad Hussain, wife Mst. Ailam Gudi, and other inmates, were sleeping in the house. On 22.04.2026, they heard the noise of a stopping car and the barking of dogs at 3:00 AM. They then noticed the accused Naeem with a pistol, Fida Hussain with a repeater, and Abid Hussain with a gun inside their house. The accused Naeem forcibly dragged Mst. Ailam Gudi outside the house, made her sit in the car despite her cries, and then drove away. The complainant narrated the facts to the Nekmards, who advised him to hold talks with the accused; however, he later went to the police station where he lodged the FIR.

3. The applicant/accused initially approached before the Court of Sessions Judge, Khairpur, for grant of pre-arrest bail which was dismissed by learned Addl. Sessions Judge-IV/(GBV), Khairpur vide order dated 31.08.2026. Being aggrieved by this dismissal order, the applicant/accused has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh. Learned D.P.G strongly opposed the confirmation of ad interim pre arrest bail to the applicant/accused, while complainant was served with the notice but he has chosen to remain absent.

5. Having given due consideration to the arguments advanced by the parties' counsel and having perused the material available on record, it is revealed from the perusal of the FIR that the applicant/accused is not nominated in the FIR. The FIR further reveals that there is an inordinate delay of four days in the lodgment of the FIR, which has not been plausibly explained. The record further indicates that the applicant/accused was implicated on the basis of the 164 Cr.P.C statement of the alleged victim, in which only the presence of the applicant/accused is mentioned along with other accused, while co-accused Naeem, Abid, and Fida Hussain are specifically assigned the role of abduction, and allegations of zina were made against co-accused Naeem. Moreover, the applicant/accused has produced a Call Detail Record (CDR) before the Investigating Officer as well as before this Court, showing his presence on the date of the incident in Mirwah, rather than at the location of the incident, which is situated in Rawalpindi Islamabad. Therefore, the case against the applicant/accused falls within the ambit of further inquiry. It is pointed out by the learned counsel for the applicant that there is a dispute over their joint landed property; therefore, mala fide on the part of the complainant appears to be evident. Even otherwise, after the grant of ad-interim pre-arrest bail, the applicant/accused

has been regularly appearing before this Court, has joined the investigation, and has not misused the concession of ad-interim pre-arrest bail.

6. For the foregoing reasons, I am of the considered view that the applicant/accused has made out a case for the confirmation of ad-interim pre-arrest bail. Therefore, the interim pre-arrest bail previously granted to the applicant/accused on 21.09.2026 is confirmed on the same terms and conditions, with a direction to appear before the Investigating Officer or trial court as and when required.

7. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

JUDGE

Hizbullah/PA.