

## THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S-982 of 2025

Applicants : i. Hassan Raza Sonio &  
ii. Parvez Ahmed Bugti,  
through M/s Ferozuddin N. Shaikh and Ghulam Rasool  
Chandio, Advocates along with Applicants.

Complainant : Allah Bux, through M/s Raja Iftikhar Hussain  
Ansari and Muhammad Aslam Gadani, Advocates.

The State : Through Mr. Muhammad Raza Katohar,  
Deputy Prosecutor General

Date of Hearing : 31.08.2026  
Date of Order : 31.08.2026

### ORDER

**TASNEEM SULTANA, J.**— Through the instant Criminal Bail Application, applicants Hassan Raza Sonio and Parvez Ahmed Bugti seek pre-arrest bail in Crime No.37 of 2025, registered at Police Station Kotdiji, District Khairpur, for offences under Sections 377 and 342, PPC. Earlier, their pre-arrest bail applications bearing Cr. Pre-Arrest B.A. Nos.2384 of 2025 and 2541 of 2025, respectively, were dismissed by the learned Additional Sessions Judge-IV (GBVC), Khairpur, through a common order dated 30.09.2025; hence, this application for the same concession.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced in detail.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated due to mala fide and ulterior motives; that there is an unexplained delay in lodging the FIR; that neither the complainant nor the other prosecution witnesses witnessed commission of the alleged offence; that the final medical certificate records that human sperm and semen were not detected and the case was treated as negative; and that, after investigation, the Investigating Officer recommended disposal of the case in 'C' class. Learned counsel further contended that these circumstances make the case one of further inquiry within the meaning of Section 497(2), Cr.P.C. and prayed for grant of pre-arrest bail.

4. Conversely, learned Deputy P.G., assisted by learned counsel for the complainant, contended that the applicants are named in the FIR with a direct accusation against them; that the minor victim Ziyafat Hussain has also supported the accusation in his statement recorded under Section 161, Cr.P.C.; that the recommendation of the Investigating Officer for disposal of the case in 'C' class was

not accepted by the learned Additional Sessions Judge-IV (GBVC), Khairpur, who took cognizance of the offence vide order dated 01.08.2026; and that sufficient material is available on record connecting the applicants with the alleged offence. He, therefore, prayed for dismissal of the bail application.

5. Heard. Record perused.

6. On perusal of the record, it reflects that the applicants are nominated with specific roles. The minor victim Ziyafat Hussain, aged about 12/13 years, upon returning home disclosed that the present applicants, along with co-accused Shayan alias Hussain, had taken him to the house of applicant Parvez Ahmed, where they allegedly subjected him to gang sodomy. The victim, in his statement recorded under Section 161, Cr.P.C., has also supported the accusation against the applicants. Thus, the prosecution case does not rest merely upon the account of the complainant.

7. The plea regarding delay in registration of the FIR also does not advance the case of the applicants. The minor is alleged to have left his house at about 1815 hours on 25.03.2025 and remained missing until he returned at about 1900 hours on 26.03.2025. Thereafter, the complainant approached the police, obtained a letter for medical examination of the child and, after his medical examination, lodged the FIR at about 0030 hours on 27.03.2025. In this sequence of events, the interval in registration of the FIR stands sufficiently explained and does not provide a ground for grant of bail.

8. The contention that the complainant and other prosecution witnesses did not themselves witness commission of the alleged act does not, by itself, detract from the account furnished by the minor victim. Sexual offences of this nature are ordinarily committed away from public view and absence of an independent eyewitness cannot, by itself, be treated as sufficient to discard the victim's version. In the case Atif Zareef and others v. The State (PLD 2021 Supreme Court 550), the Hon'ble Supreme Court observed:

**“Rape is a crime that is usually committed in private, and there is hardly any witness to provide direct evidence of having seen the commission of crime by the accused person.”**

9. The final medical certificate records that human sperm was not detected on microscopic examination and human semen was also not detected in the articles sent for chemical examination, while the case was ultimately treated as negative. The medical and chemical examination, therefore, does not furnish forensic corroboration to the accusation. This circumstance, however, cannot be considered in isolation from the direct account of the minor victim, who has specifically implicated the applicants and supported the accusation during investigation. In the case of Amanullah v. The State (PLD 2009 Supreme Court 542), the Hon'ble Supreme Court observed:

**“In the present case, as has been mentioned above, no reasons could be offered as to why the prosecutrix who had admittedly been subjected to sexual intercourse, should have spared the actual offender and should have, instead substituted the petitioner for him. In the circumstances, at least prima facie and for the purpose of this bail petition, it could not be said that the testimony offered by the prosecutrix could admit of any doubt.”**

Though the facts of the cited case were different, the principle is relevant to the extent that scientific material is to be considered along with the direct account of the victim. The negative medical and chemical findings, by themselves, are not sufficient at this stage to displace the direct accusation made by the minor victim against the applicants.

**10.** The recommendation of the Investigating Officer for disposal of the case in ‘C’ class also does not assist the applicants. The record shows that the report was placed before the learned Additional Sessions Judge-IV (GBVC), Khairpur, who, vide order dated 01.08.2026, declined to accept the recommendation and took cognizance of the offence against the accused persons. The applicants, therefore, cannot seek pre-arrest bail merely on the basis of the opinion earlier formed by the Investigating Officer.

**11.** Nothing has been pointed out from the record to substantiate the plea that the applicants have been falsely implicated on account of mala fide or ulterior motive. No specific previous dispute or other circumstance has been shown which may suggest that their arrest is being sought merely for humiliation or harassment. In the case Rana Abdul Khaliq v. The State and others (2019 SCMR 1129), the Hon’ble Supreme Court of Pakistan held as under:

**“Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law.”**

**12.** The offence under Section 377, PPC, being punishable, inter alia, with imprisonment for life, falls within the prohibitory clause of Section 497(1), Cr.P.C. The material discussed hereinabove provides reasonable grounds for believing that the applicants are connected with the alleged offence. The negative medical and chemical findings, as well as the recommendation for disposal of the case in ‘C’ class, when considered with the other material available on record, are not sufficient to bring the case within the ambit of further inquiry under Section 497(2), Cr.P.C.

**13.** In view of the above facts and circumstances, the applicants have failed to make out a case for grant of pre-arrest bail. Consequently, the instant bail application was dismissed vide short order dated 31.08.2026, whereby the ad-interim pre-arrest bail granted to them vide order dated 08.10.2025 was recalled. Above are the reasons for the said short order.

**14.** The observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

J U D G E

ARBROHI/PS