

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-455 of 2026

Applicant: Naseeb Ali @ Naseeb son of Naseer Ali @ Naeem bycaste Soomro, **through** Mr. Amanullah G.Malik Advocate.

The Complainant: Sajjad Ali Panhwar **through** Mr. Muhammad Tarique Panhwar, advocate.

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

Date of hearing: 31-08-2026.

Dated of order 31-08-2026.

ORDER.

Suresh Kumar, J.---Through instant bail application, applicant named above seeks post arrest bail in a case bearing crime No. 64/2026, offence u/s 377, 511 PPC, registered at Police Station Daharki, District Ghotki.

2. The facts of the prosecution case, as depicted in the FIR, are that the complainant, Sajjad Ali, lodged the FIR on 08-04-2026, alleging that on 06-04-2026, at 1300 hours, in the abandoned shops at Dehar Wah, the accused, Ashiq Ali @ Sonu, Naseeb, Kashif, and Zamin, forcibly laid his son, Amanat Ali, on the ground, and that accused Ashiq Ali @ Sonu attempted to commit sodomy with him. Ultimately, the complainant lodged the aforementioned FIR.

3. I have heard learned counsel for the applicant/accused and learned Deputy P.G for the State assisted by learned counsel for the complainant. Learned counsel for the applicant has relied upon the case laws reported in 2000 P.Cr.L.J 942 (Kabir Khan Vs. The State), 2002 P.Cr.L.J 657 (Mansoor Ahmed and others) Vs. The State), 2008 SCMR 173 (Muhammad Daud and another Vs. The State and another), 2022 SCMR 1447 (Sohail Akhtar Vs. The State through P.G Punjab and another), 2022 SCMR 1467 (Nazir Ahmad alias Bhaga Vs. The State and others), 2022 SCMR 1511, (Rohan

Ahmad and others Vs. The State and others), 2022 SCMR 685 (Rashid Ali Vs. The State through A.A.G Khyber Pakhtunkhwa), 2022 SCMR 1245 (Ali Raza Vs. The State and another) and 2024 P.Cr.L.J 1521 (Abdul Hadi alias Babul and 2 others Vs. The State). While learned DPG for the State relied upon the case laws reported in 2021 P.Cr.L.J 115 (Aon Ali Vs. The State and another and 2024 SCMR 1419 (Kamran Vs. The State through A.G Khyber Pakhtunkhwa and others).

4. Having given due consideration to the arguments advanced by learned counsel appearing on behalf of the respective parties and having perused the relevant record, it is revealed from the perusal of the FIR that the applicant, along with co-accused, facilitated the main accused, Ashiq Ali, in attempting to commit sodomy against Amanat Ali, son of the complainant. Furthermore, it is alleged that a video of this act was recorded for the purpose of blackmailing the victim. Upon the arrival of the complainant, the accused persons fled from the scene. The victim has also implicated the applicant/accused regarding his role in facilitating the main accused, Ashiq Ali, as per the statement recorded under Section 164 of the Cr.P.C. Therefore, prima facie, sufficient material has been brought on record to connect the applicant/accused with the commission of the offence. The victim, Amanat Ali, has disclosed that previously, the applicant, as well as other co-accused, had also committed sodomy; thus, the present act appears to be a repetition of the same offence.

5. Learned counsel for the applicant primarily contended that the applicant is a juvenile offender; therefore, he is entitled to bail. The record reflects that the applicant is aged about 17 years; hence, his case falls within the ambit of Section 6(4) of the Juvenile Justice Ordinance. The applicant is involved in the heinous offence of sodomy on two occasions, as stated by the victim in his statement recorded under Section 164 of the

Cr.P.C. It is well-settled law that the mere fact that the applicant is a juvenile does not entitle him to the concession of bail if the accused is charged with a heinous offence punishable by imprisonment for life or its half punishment, as the attempt of sodomy also falls within the prohibitory clause of Section 497 of the Cr.P.C. Reliance is placed on the case reported as 2024 SCMR 1419 and 2021 P.Cr.L.J 115. However, the applicant, being a juvenile, is entitled to bail after remaining in custody for six months, in accordance with Section 6(5) of the Juvenile Justice Ordinance. In this regard, reliance is placed on 2024 PLJ 270 SC. The present accused has been in custody since 09-04-2026, and he has not completed the period of six months; therefore, he cannot claim bail as a right at this stage.

6. With due respect and regard to the case laws cited by learned counsel for the applicant, but the facts and circumstances of the same are quite distinguishable with the case in hand; therefore, the same are not applicable.

7. For the foregoing reasons, I am of the considered view that applicant/accused has failed to make out case for grant of bail; therefore, the bail application of the applicant/accused is dismissed. However, applicant/accused is at liberty to file a fresh bail application, if trial does not conclude within six months of arrest of applicant/accused in view of section 6 (5) of Juvenile Justice Ordinance.

8. 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.

J U D G E