THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-650 of 2026

Applicant	:	Muhammad Bux Ujjan through Mr. Sikandar Ali Junejo, Advocate a/w applicant.
Complainant	:	Dilbar Ahmed through Mr. Arbelo Oad, Advocate
Respondent	:	The State through Mr. Muhammad Raza Katohar, Deputy Prosecutor General along with SIP Khadim Hussain, Investigating Officer.
Date of Hearing	:	**28-09-2026**
Date of Order	:	**28-09-2026**

O R D E R

TASNEEM SULTANA, J.- Through this Criminal Bail Application, the applicant, Muhammad Bux Ujjan, seeks pre-arrest bail in Crime No.179 of 2026, registered at Police Station Kandiaro, District Naushahro Feroze, under Sections 363, 364-A and 365, P.P.C. His earlier application for the same relief was dismissed by the learned Additional Sessions Judge, Kandiaro, vide order dated 20.06.2026, 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 applicant contended that the applicant is innocent and has been falsely implicated due to personal grudge; that the FIR was lodged after a delay of about six days, although the police station is situated at a distance of about three-quarters of a kilometre from the place of occurrence, and no plausible explanation has been furnished; that the applicant has not been assigned the role of physically taking away the girl and his mere presence would not establish his participation in the alleged offence; that the complainant and the witnesses are closely related and no independent person from the locality has supported the prosecution version despite the occurrence allegedly having taken place in broad daylight; and that the case calls for

further inquiry under Section 497(2), Cr.P.C. He, therefore, prayed for confirmation of the applicant's interim pre-arrest bail.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposed the application and contended that the applicant is nominated in the FIR as having participated in the abduction of the complainant's nine-year-old daughter; that the complainant's version is supported by the statements of the witnesses recorded under Section 161, Cr.P.C.; that the girl has still not been recovered; that the offence under Section 364-A, P.P.C., falls within the prohibitory clause of Section 497(1), Cr.P.C.; that the applicant has not joined the investigation; and that no mala fide or ulterior motive has been shown to justify the grant of pre-arrest bail.

5. Heard. Record perused.

6. It appears from the record that the applicant, Muhammad Bux Ujjan, is specifically nominated in the FIR as having entered the complainant's house armed with a lathi along with the other accused. According to the complainant, the inmates were directed to remain quiet under fear of weapons, whereafter his nine-year-old daughter, Heer Khatoon, was forcibly taken away. Although the applicant is not alleged to have physically taken hold of the child, his alleged armed entry into the house and presence with the accused during the intimidation of the inmates and removal of the child prima facie indicate participation in the occurrence rather than mere presence at the spot. The alleged abduction followed threats over an unpaid debt, and the child had not been recovered by the date of hearing. Her continued non-recovery, viewed in the light of these circumstances and the applicant's alleged participation, raises an apprehension concerning her safety and interference with her evidence. In case of *Hilal Khattak v. The State and another* (2023 SCMR 1182), the Honourable Supreme Court, while declining bail in a case where the abductee had not been recovered, observed as under:

> **"9. In the present case, the petitioner being the father of the alleged abductee appears to have had the real motive for the commission of the alleged offences while the others abetted him in his cause. Most of the other accused persons are absconders, and the police have so far only succeeded to bring the petitioner and another accused person to**

> **justice. There is thus a likelihood that the petitioner may also abscond if he is released on bail. Further, and more importantly, the alleged abductee Rabia Khattak has not yet been recovered. No one knows whether she is alive or not. There is a possibility that the petitioner may cause her harm or may coerce her to influence her evidence concerning the facts of this case if he is released on bail. The exceptions of likelihood of repeating the offence and influencing the witness are thus also attracted. The case of the petitioner, therefore, attracts not one but almost all the three exceptions which justify the declining of bail even in offences that do not fall within the prohibitory clause of section 497(1), Cr.P.C."**

7. It further appears that Nisar Ahmed and Ali Bux, in their statements recorded under Section 161, Cr.P.C., have supported the complainant's account and implicated the applicant in the occurrence. They claim to have arrived upon hearing cries and witnessed the accused taking the girl away. Their relationship with the complainant does not, by itself, furnish a sufficient ground to discard their account against the applicant. Likewise, the absence of a witness from the neighbourhood does not, by itself, render their account unreliable, particularly when the occurrence allegedly commenced inside the complainant's house. The credibility of these witnesses will be examined by the trial Court upon recording evidence.

8. As regards the delay of about six days in lodging the FIR, the complainant has explained that he approached notables and relatives and sought the return of his daughter but was kept on false hopes until her return was refused. This explanation forms part of the FIR itself. In these circumstances, the delay does not, by itself, furnish a sufficient ground to infer false implication of the applicant. The acceptability of the explanation will be examined by the trial Court in the light of the evidence.

9. It further appears that the applicant has failed to join the investigation despite having obtained interim pre-arrest bail. His failure to do so is material, particularly when the abducted child has not yet been recovered. This conduct, considered with the material connecting him with the occurrence, weighs against confirmation of the interim bail.

10. In case of *Ahtisham Ali v. The State* (2023 SCMR 975), the Honourable Supreme Court reiterated the following parameters governing the grant of pre-arrest bail:

"(a) grant of bail before arrest is an extraordinary relief to be granted only in extraordinary situations to protect innocent persons against victimization through abuse of law for ulterior motives;

(b) pre-arrest bail is not to be used as a substitute or as an alternative for post-arrest bail;

(c) bail before arrest cannot be granted unless the person seeking it satisfies the conditions specified through subsection (2) of section 497 of Code of Criminal Procedure i.e. unless he establishes the existence of reasonable grounds leading to a belief that he was not guilty of the offence alleged against him and that there were, in fact, sufficient grounds warranting further inquiry into his guilt;

(d) not just this but in addition thereto, he must also show that his arrest was being sought for ulterior motives, particularly on the part of the police; to cause irreparable humiliation to him and to disgrace and dishonour him;

(e) such a petitioner should further establish that he had not done or suffered any act which would disentitle him to a discretionary relief in equity e.g. he had no past criminal record or that he had not been a fugitive at law; and finally, that;

(f) in the absence of a reasonable and a justifiable cause, a person desiring his admission to bail before arrest must in the first instance approach the Court of first instance i.e. the Court of Sessions, before petitioning the High Court for the purpose."

11. In the light of the principles stated above, the applicant's plea of false implication on account of personal grudge does not find support from any specific circumstance on record. The material discussed above prima facie connects him with the occurrence, and no mala fide or ulterior motive has been shown to suggest that his arrest is sought merely to harass or humiliate him.

12. In view of the above facts and circumstances, the applicant has failed to make out a case for the grant of pre-arrest bail. Consequently, the instant bail application was dismissed vide short order dated 28.09.2026, whereby the interim pre-arrest bail granted to the applicant vide order dated 06.07.2026 was recalled. These are the reasons for the said short order. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

J U D G E

Ahmad