THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S- 973 of 2026

Applicant	:	**Ajeeb Ali Ujjan** Through Mr. Imdad Ali U. Ujjan, Advocate along with said applicant.
Complainant	:	**Mst. Kalsoom** Through Mr. Moula Bux Memon, Advocate along with complaint.
The State	:	Through Mr. Muhammad Raza Katohar, Deputy Prosecutor General.
Date of Hearing	:	**02-11-2026**
Date of Order	:	**02-11-2026**

O R D E R

TASNEEM SULTANA, J.- Through this Criminal Bail Application, the applicant, Ajeeb Ali Ujjan, seeks pre-arrest bail in Crime No.44 of 2026, registered at Police Station Khuhra, District Khairpur, under Sections 376, 511 and 506(2), P.P.C. His earlier application for the same relief was dismissed by the learned Additional Sessions Judge-IV (GBV), Khairpur, vide order dated 12.05.2026. Thereafter, he filed Criminal Bail Application No.S-459 of 2026 before this Court, which was dismissed for non-prosecution on 07.09.2026 owing to his absence and that of his learned counsel, hence the present 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 contends that the applicant is innocent and has been falsely implicated owing to a dispute over the sale of land between the parties; that the agreements produced on record and the material collected during investigation support the applicant's plea; that the FIR was lodged after a considerable delay; that the date of occurrence mentioned in the application under Sections 22-A and 22-B, Cr.P.C., differs from that stated in the FIR; that PWs, namely, Naimatullah and Raja did not witness the alleged attempt; that Mst. Haleema Khatoon and Shahmir Ali stated during investigation that the applicant was present at their house at the relevant time; and that the Joint Investigation Team recommended

disposal of the case in “B” class. He submits that the applicant’s case calls for further inquiry and prays for confirmation of his pre-arrest bail.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposes the application and contends that the applicant is nominated in the FIR with a specific allegation of attempting to commit zina with the complainant; that the delay is explained by the intervention of elders and the proceedings undertaken for registration of the FIR; that the sale agreements relied upon by the applicant are forged and do not support his plea of false implication; and that the recommendation for disposal of the case in “B” class was disapproved by the competent Court, which took cognizance of the offence. They support the impugned order and pray for dismissal of the bail application.

5. Heard. Record perused.

6. It appears from the record that the complainant has specifically alleged that the applicant approached her while she was alone at home, showed her money, sexually harassed her and attempted to commit zina with her. In the application under Sections 22-A and 22-B, Cr.P.C., she also alleged that he caught hold of her inside the washroom. Although she stated that neighbours arrived upon hearing her cries, the material placed before this Court does not disclose a statement of any such neighbour giving a direct account of the alleged attempt. Her accusation is to be examined together with the other material collected during investigation.

7. It further appears that, according to the FIR, the alleged occurrence took place on 21.01.2026, whereas in the application under Sections 22-A and 22-B, Cr.P.C., the date of occurrence is mentioned as 22.01.2026. The complainant referred to intervention by elders and filed the said application on 16.03.2026. It was allowed on 31.03.2026, but the FIR was registered on 02.05.2026. The applicant has produced agreements dated 24.01.2026 and 06.04.2026 in support of his plea of a land transaction between members of the respective families. Learned counsel for the complainant disputed their genuineness and asserted that they are forged. The genuineness of these documents and their effect upon the respective pleas require determination after recording evidence.

8. The Investigating Officer recorded statements of witnesses supporting the applicant's plea of presence elsewhere, and the Joint Investigation Team recommended disposal of the case in "B" class. The prosecutor opposed that recommendation, which was subsequently disapproved by the competent Court while taking cognizance on 23.09.2026. The circumstances discussed above, considered together with the material collected during investigation, bring the applicant's case within the ambit of further inquiry under Section 497(2), Cr.P.C. Reliance is placed on *Salman Mushtaq and others v. The State through P.G. Punjab and another* (**2024 SCMR 14)**.

9. In view of the above facts and circumstances, the applicant has succeeded in making out a case for confirmation of pre-arrest bail. Accordingly, this Criminal Bail Application is allowed, and the interim pre-arrest bail granted to the applicant vide order dated 30.09.2026 is hereby confirmed on the same terms and conditions. The observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

J U D G E

Ahmad