

IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Criminal Bail Application No. S- 169 of 2026.
(Bakhshal Haslo Vs. The State)

Applicant: Bakhshal son of Muhammad Siddique, by
caste Haslo, *through* Mr. Sanaullah Gilal,
Advocate.

The State: *Through* Mr. Nazir Ahmed Bhangwar,
Deputy Prosecutor General, Sindh.

Date of hearing: 03.08.2026.

Date of Order: 03.08.2026.

ORDER

Ali Haider 'Ada', J:-, Through the instant application, the applicant seeks post-arrest bail in Crime No.13 of 2024, registered at Police Station Shaheed ASP Fateh Hayat Mekan, for offences punishable under Sections 452, 365-B, 364, 506-II, 148 and 149, P.P.C. The F.I.R. was lodged by the complainant, Zamir Hussain, on 23.07.2024 in respect of an incident alleged to have occurred on 29.06.2024. Earlier, the applicant approached the learned 1st Additional Sessions Judge/MCTC/Special Court for Anti-Rape Cases, Kamber, seeking post-arrest bail; however, his application was dismissed vide order dated 08.01.2026.

2. Briefly stated, the prosecution case is that on the relevant day the complainant, along with his wife, Mst. Samina, and their two children, namely Murtaza and Muskan, was present at his house when the accused persons, namely Bakhshal, Muhib Ali and Ali Gohar, allegedly trespassed into the house and abducted Mst. Samina along with the two children. It is further alleged that Mst. Samina was abducted with the intention of subjecting her to zina. The present applicant was arrested on 31.08.2025.

3. Learned counsel for the applicant contended that the F.I.R. was lodged after an unexplained delay of about twenty-two days,

which, according to him, creates serious doubt regarding the truthfulness of the prosecution case. He further submitted that no specific or active role has been attributed to the present applicant, whereas the principal allegation has been levelled against co-accused Ali Gohar. Learned counsel further argued that one of the co-accused, namely Suhbat Ali, who was shown as an unknown accused in the F.I.R., has already been acquitted by the learned trial Court. Lastly, he submitted that the applicant has remained behind bars since his arrest and that his further incarceration would serve no useful purpose.

4. The record reveals that vide order dated 16.04.2026, notices were issued to the complainant. Thereafter, repeated notices were also issued through the SHO concerned; however, despite due service, the complainant failed to appear and contest the present bail application.

5. Conversely, learned Deputy Prosecutor General opposed the application, contending that the alleged offences fall within the prohibitory clause of Section 497, Cr.P.C. He submitted that the two minor children were recovered and that recovery memos in respect thereof were duly prepared during the investigation. He further submitted that the statements of the prosecution witnesses have also been recorded, which sufficiently connect the applicant with the commission of the alleged offences.

6. Heard the learned counsel for the applicant as well as the learned Deputy Prosecutor General and have carefully examined the material available on the record.

7. Prima facie, the case presents certain circumstances warranting tentative consideration. Admittedly, the allegations attract the provisions of the Anti-Rape (Investigation and Trial) Act, 2021, which envisages a prompt, fair, and effective investigation of offences involving sexual violence. In the present case, the

statements of the two minor children under Section 164, Cr.P.C. were not recorded before the learned Magistrate. Such statements constitute an important piece of evidence, as they are intended to preserve the earliest version of the victims during the course of investigation. The omission to record their statements, particularly in a case involving allegations of kidnapping and sexual offences, is a circumstance which, at this tentative stage, cannot be overlooked.

8. Furthermore, the F.I.R. was lodged after an unexplained delay of about twenty-two (22) days. The record further reflects that although the learned Justice of Peace allowed the complainant's application on 15.07.2024, the F.I.R. was ultimately registered on 23.07.2024, for which no plausible explanation has been furnished by the prosecution. It is also noticeable that there was delay in recording the statements of the prosecution witnesses under Section 161, Cr.P.C., whereas their statements before the Joint Investigation Team (J.I.T.) were recorded subsequently on 31.08.2024. These circumstances, when considered cumulatively, create sufficient doubt.

9. It is further an admitted position that the applicant has remained behind bars since 31.08.2025. Nothing has been brought on record to demonstrate that his continued incarceration is still necessary for investigation or that his release on bail would prejudice the prosecution case. Thus, the collective effect of the aforesaid circumstances, at least tentatively, brings the case within the ambit of further inquiry as envisaged under Section 497(2), Cr.P.C. Reliance in this regard is placed upon the cases of *Nishan Ali v. The State* (2025 YLR 2812) and *Abdul Nabi Buriro v. The State* (2024 MLD 934).

10. Consequently, the applicant has succeeded in making out a case for the grant of post-arrest bail. Accordingly, the instant bail application is allowed, and the applicant is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.100,000/-

(Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

11. Needless to observe that the observations made herein are purely tentative in nature, confined solely to the determination of the present bail application, and shall not prejudice either party during the course of the trial. The learned trial Court shall decide the case strictly on the basis of the evidence that may be produced before it and in accordance with law.

JUDGE

S.Ashfaq/.