

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Criminal Bail Application No.S-416 of 2026**  
*(Sultan Shah vs. The State)*

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<b>Date</b>	<b>Order with signature(s) of Judge(s)</b>
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*For hearing of Post-Arrest Bail.*

**18.05.2026.**

Mr. Sikandar Sadar Siddiqui, Advocate for the Applicant  
Mr. Muhammad Raza Katohar, Deputy Prosecutor  
General, along with SI Muhammad Chuttal of P.S. Sobho  
Dero

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**Ali Haider 'Ada', J.-** Through this bail application, applicant Sultan Shah seeks bail in Crime No.121 of 2024 registered at the instance of complainant Liaquat Ali Mallah at Police Station Sobho Dero, District Khairpur, for an offence punishable under Sections 376/511, P.P.C. His earlier bail plea was declined by the learned Additional Sessions Judge-IV, Khairpur, vide order dated 10.03.2026.

2. The crux of the prosecution's case, as relied upon, is that on 11.11.2024, the complainant Liaquat Ali Mallah was present at his house along with his nephew Sabir Hussain and cousin Hussain Bux and alleged that his daughter Mehrunnisa, aged about five years, went out of the house and did not return. However, later on, at the street near Dargah Pir Hayat Shah Graveyard, the complainant heard the noise of his daughter; whereupon the complainant, along with the witnesses, ran towards the graveyard, where the present accused was allegedly attempting to commit zina with her by removing her shalwar. However, on seeing the complainant and other witnesses, he allegedly escaped from the scene. Accordingly, the incident was reported on 12.11.2024.

3. Learned counsel for the applicant submits that there is an inordinate delay of one day in the lodgment of the FIR. He further submits that the ingredients of Section 376, P.P.C., have been wrongly invoked in the present case, as no act of zina was actually committed with the alleged victim. It is further

contended that the place of occurrence is a thickly populated area; however, no independent private witness has been associated as mashir. He submits that, in fact, no such incident had taken place, and the story narrated in the FIR is a managed and concocted version. It is further argued that the complainant has failed to produce any medical certificate showing any scratch or injury on the body of the alleged victim. He further contends that the alleged victim is a child of about five years and lacks sufficient capacity or understanding to make a credible statement that the accused attempted to commit zina with her. Lastly, it is submitted that the applicant has remained incarcerated for the last eighteen months; therefore, he is entitled to the concession of bail.

4. Conversely, the learned Deputy Prosecutor General opposed the bail application on the ground that the offence attributed to the present applicant is of a heinous nature and is against the very norms of society; therefore, the applicant is not entitled to the concession of bail. He further submits that the applicant is fully involved in the commission of the offence, having also been specifically nominated by the victim.

5. Heard arguments and minutely perused the material available on record.

6. At the very outset, the record reflects that the present applicant is alleged to have attempted the commission of zina with a minor child aged about five years. The contention raised on behalf of the applicant that the allegation pertains merely to an "attempt" does not mitigate the gravity or abhorrent nature of the accusation. An attempt to commit such an offence against an innocent child of tender age is, in itself, a matter of extreme seriousness, shocking the conscience of society and striking at the very fabric of a civilized community. Offences of this nature are not confined to an individual victim alone but constitute crimes against

society at large, particularly where minor children are subjected to sexual abuse, exploitation, or predatory conduct.

7. It is also a matter of grave concern that incidents involving sexual offences against children are alarmingly increasing; therefore, the legislature, being conscious of the sensitivity and gravity of such crimes, has introduced special protective mechanisms, including the Zainab Alert Response and Recovery Act, 2020, for protection, response, and recovery relating to missing and abused children. Such legislative measures clearly manifest the intention of the law to deal with offences against minor children with utmost seriousness and zero tolerance. Consequently, allegations of such magnitude cannot be viewed lightly and are required to be dealt with strictly in accordance with law, keeping in view their societal impact.

8. In support of the above view, reliance is placed upon the cases of Bashir Ahmad v. The State (2025 YLR 2236), Mian Haseeb Madni v. The State (2025 YLR 1951), Waseem v. The State (2025 YLR 378), Zain Tariq v. The State (2025 P.Cr.L.J 1354), Muhammad Haroon v. The State (2025 YLR 1341), Abdul Waqar v. The State (2025 P.Cr.L.J 1769), Shahbaz v. The State (2024 MLD 597), Muhammad Tahir Jatoi v. The State (2024 MLD 1344), Khalid Zangejo Jatoi v. The State (2023 P.Cr.L.J Note 88), and Sajjan v. The State (2023 P.Cr.L.J Note 39).

9. Accordingly, in view of the above discussion, the applicant has failed to make out a case for grant of bail. Consequently, the instant bail application stands dismissed.

**JUDGE**