

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 170 of 2026

Applicant : **Ghulam Asghar Jiskani** through Mr. Atta Hussain Chandio, Advocate.

Complainant : **Hazoor Bux Jiskani** through Mr. Ali Akbar Shar, Advocate.

The State : Through Mr. Shafi Muhammad Mahar, Deputy P.G

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Date of Hearing : **21-08-2026**

Date of Order : **21-08-2026**

ORDER

TASNEEM SULTANA, J.- Through this Criminal Bail Application, applicant Ghulam Asghar Jiskani seeks post-arrest bail in Crime No.78 of 2025, registered at Police Station Bozdar Wada, for offences under Sections 376, 511, 337-A(i), 337-F(i) and 34, P.P.C. His earlier bail application was dismissed by the learned Additional Sessions Judge-IV/GBVC, Khairpur, vide order dated 16.02.2026.

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 on account of previous matrimonial discord between the families; that there was delay in lodging the F.I.R.; and that the prosecution witnesses are closely related to the complainant. He also relied upon the free-will affidavit executed by Mst. Jannat Khatoon at the time of her marriage with Muhammad Waris, son of the applicant, as well as the earlier protection proceedings initiated by the couple against members of her parental family, including the present complainant. He, therefore, prayed for grant of post-arrest bail.

4. Conversely, learned Deputy P.G., assisted by learned counsel for the complainant, opposed the application and submitted that the applicant is specifically nominated in the F.I.R. with a direct role; that Mst. Jannat Khatoon has supported the accusation during investigation; that the

complainant and other witnesses have also supported the occurrence; and that the medical evidence shows that Mst. Jannat Khatoon had sustained injuries. They, therefore, prayed for dismissal of the bail application.

5. Heard. Record perused.

6. A tentative assessment of the material available on record shows that the applicant is specifically nominated in the F.I.R. and a specific role has been attributed to him. Mst. Jannat Khatoon has alleged that the applicant hugged her and attempted to commit rape upon her, which she resisted by pushing him away, and she maintained the same version during investigation. The complainant, Khalid and Manthar Ali have also supported the prosecution case to the extent of the occurrence witnessed by them. The medical evidence also shows that Mst. Jannat Khatoon had sustained injuries.

7. The fact that the complainant and the accompanying witnesses did not witness the alleged attempt does not, by itself, detract from the account given by Mst. Jannat Khatoon. In the case of Atif Zareef and others v. The State (PLD 2021 Supreme Court 550), the Hon'ble Supreme Court observed:

“Rape is a crime that is usually committed in private, and there is hardly any witness to provide direct evidence of having seen the commission of crime by the accused person.”

The same principle was also noticed in the case of Imran v. The State (2016 P.Cr.L.J. 1888), wherein it was observed that:

“Testimony of victim in cases of rape is held to be of vital significance and unless there are compelling reasons which necessitate looking for corroboration of her statement, the Court ought not to find any difficulty in convicting the accused on prosecutrix's testimony alone.”

8. The earlier free-will affidavit and protection proceedings relied upon by learned counsel for the applicant indicate prior matrimonial discord between the families. That circumstance, however, does not, at this stage, outweigh the specific allegation subsequently made by Mst. Jannat Khatoon against the applicant.

9. As regards the delay in registration of the F.I.R., the occurrence is stated to have taken place at about 11:30 p.m. on 05.11.2025, whereas the F.I.R. was recorded at about 7:30 p.m. on the following day. The F.I.R. itself explains that the complainant initially approached local elders and went to the police when those efforts failed. In these circumstances, the delay does not, at this stage, warrant grant of bail.

10. In the case of Bilal Khan v. The State through P.G., Punjab and another (2020 SCMR 937), the Hon'ble Supreme Court observed:

“At the bail stage, only a tentative assessment is to be made and deeper appreciation is not permissible.”

11. Prima facie, the version of Mst. Jannat Khatoon, read with the other material available on record, provides reasonable grounds for believing that the applicant is involved in the alleged offence. The offence under Sections 376 read with 511, P.P.C. attracts the prohibitory clause of Section 497(1), Cr.P.C., and the grounds urged on behalf of the applicant do not call for further inquiry within the meaning of Section 497(2), Cr.P.C.

12. In view of the above facts and circumstances, the instant bail application is **dismissed**.

13. The observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

J U D G E

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