

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1386 of 2026
[Arsalan V. The State]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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1. For orders on office objection at "A".
2. For hearing of Bail Application.

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Date of hearing and short Order: 14.09.2026

Mr. Mushtaq Ahmed Joyia, Advocate for Applicant.
Mr. Qamaruddin Nohri, Deputy Prosecutor General Sindh.
Complainant Muhammad Salman present in person.

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Abdul Hamid Bhurgri, J.- Through the instant criminal bail application, applicant Arsalan son of Abdul Salam seeks post-arrest bail in Crime No.89 of 2026, registered at Police Station Orangi Town under Section 365-B, PPC and Section 3(i) of the Prevention of Trafficking in Persons Act, 2018. The applicant had earlier approached the learned Additional Sessions Judge-X, Karachi West, for the same relief, but his bail application was dismissed vide order dated 15.04.2026; hence, the present bail application.

2. Briefly stated, the prosecution case, as reflected from the FIR, is that the complainant's sister, namely Hashma Kanwal, aged about 20 years, went missing from her house on 03.02.2020 at about 11:00 a.m. The complainant and his family searched for her at various places, including the houses of relatives and acquaintances, but she could not be traced. During inquiry, the complainant came to know that Muhammad Ahmed, who was allegedly in contact with his sister through a mobile phone and had developed relations with her, was involved in her disappearance. The complainant apprehended that Muhammad Ahmed had taken his sister away without his consent, either for the purpose of marriage or for some other unlawful purpose. Consequently, the subject FIR was registered.

3. Learned counsel for the applicant contends that the applicant is neither nominated in the FIR nor was any role attributed to him at the time of its registration and that he has subsequently been implicated during investigation without any cogent material connecting him with the alleged offence. He further submits that the alleged abductee, in her statement recorded under Section 164,

Cr.P.C., has not attributed any role to the applicant and has stated that she left her house voluntarily. According to learned counsel, neither any recovery has been effected from the applicant nor has any other incriminating material been collected against him requiring his continued incarceration. He further submits that the applicant has no previous criminal record and is a permanent resident of Karachi; therefore, there is no likelihood of his absconding or tampering with the prosecution evidence. He accordingly maintains that the case of the applicant, at the very least, calls for further inquiry within the contemplation of Section 497(2), Cr.P.C.

4. Complainant Muhammad Salman, present in person, has filed an affidavit expressing no objection to the grant of bail to the applicant, which is taken on record. Learned D.P.G., having considered the material available on record as well as the affidavit filed by the complainant, has also not opposed the grant of bail.

5. I have heard learned counsel for the applicant and learned D.P.G., as well as the complainant present in person, and have tentatively examined the material available on record. It is evident that the applicant was not nominated in the FIR and no role whatsoever was attributed to him at the initial stage. His implication surfaced subsequently during the course of investigation. More importantly, the alleged abductee, who was admittedly a major at the relevant time, in her statement recorded under Section 164, Cr.P.C., has not attributed any specific role to the present applicant and, as per the material placed before the Court, has stated that she left her house voluntarily. Furthermore, no recovery or other incriminating material has been pointed out which, at this stage, may directly connect the applicant with the commission of the alleged offence.

6. These circumstances, when considered cumulatively, render the applicant's involvement in the alleged offence a matter requiring further inquiry within the meaning of Section 497(2), Cr.P.C. Whether the material collected during investigation is ultimately sufficient to establish the applicant's participation in the alleged offence is a matter to be determined by the learned trial Court after recording and appreciating the evidence. At the bail stage, only a tentative assessment of the material is permissible, and a deeper appreciation thereof, which may prejudice either side at trial, is to be avoided.

7. The affidavit of no objection filed by the complainant and the stance taken by learned D.P.G. provide additional support to the prayer for bail; however, the relief is not being granted merely on that basis. The material presently available on record, independently and on its tentative assessment, brings the case of the applicant within the ambit of further inquiry under Section 497(2), Cr.P.C.

8. For the foregoing reasons, by my short order dated 14.09.2026, the instant bail application was allowed and applicant Arsalan son of Abdul Salam was admitted to post-arrest bail in Crime No.89 of 2026, registered at Police Station Orangi Town, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. Needless to clarify that the observations made herein are purely tentative in nature and confined to the disposal of the present bail application. The learned trial Court shall decide the case strictly on the basis of the evidence brought before it, without being influenced by any observation contained in this order.

Above are the reasons for the short order dated 14.09.2026.

JUDGE

Ayaz Gul