

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-1274 of 2025

Applicants : 1) Munawar Ali s/o Dhani Bux
2) Kareem Bux s/o Moula Bux, Jogi
Through M/s Sikander Ali Junejo &
Ghulam Muhammad, Advocates

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of Hearing : 12.01.2026
Date of Short Order : 12.01.2026
Reasons recorded on : 15.01.2026

ORDER

KHALID HUSSAIN SHAHANI, J.— The applicants, Munawar Ali and Kareem Bux, seek post-arrest bail in a case bearing Crime No.429 of 2025, for offences under Sections 371-A, 371-B, 294, and 34 of the PPC, read with Section 3 of the Trafficking in Persons (Prevention, Protection and Rehabilitation) Act, 2018 (TIP Act), registered at Police Station A-Section, Sukkur. Their prior application was declined by the learned Additional Sessions Judge-III, Sukkur, vide order dated 24.12.2025.

2. The prosecution narrative, as enshrined in the FIR lodged on 21.12.2025 by complainant SIP Zameer Hussain Khaskheli, unfolds thus: While on routine patrol near Teer Chowk, Sukkur, the complainant received credible intelligence implicating one Tanveer Ali Abro, in collusion with others including the proprietor of Jillani Travelers' Inn at Barrage Colony, Sukkur, in the illicit trade of trafficking women for prostitution. Acting swiftly, the complainant, accompanied by subordinates, raided the lower portion of the said Inn at about 1530 hours. Therein, they allegedly discovered three men including the present applicants and three women in a state of obscenity. Upon sighting the police, the suspects attempted flight into adjacent rooms but were apprehended. Personal searches yielded Rs.150/- from Munawar Ali and Rs.200/- from Kareem Bux, while nothing recovered from the women. A memo of arrest and recovery was duly prepared, precipitating the FIR under the aforementioned provisions. No

further recoveries, witness statements from independent sources, video evidence, or transactional records substantiating sale/purchase of women for prostitution have surfaced. The applicants, post-arrest, were remanded to judicial custody, underscoring that investigation stands concluded *qua* them.

3. Learned counsel for the applicants, with persuasive eloquence, advanced a multi-pronged assault on the prosecution's edifice. He submitted that the applicants, upright citizens of unblemished repute, stand falsely enmeshed through malice aforethought, aimed at societal vilification and a veneer of prosecutorial efficiency, with no prior enmity or motive against the complainant rebutted. The locus of the raid, a densely populated hotel in Barrage Colony betrays the improbability of clandestine trafficking, and shockingly, no private witness under Section 103 Cr.P.C was enlisted, rendering the arrest and recovery constitutionally infirm and presumptively unreliable. A plain reading of the FIR discloses no scintilla of evidence that women were being "sold or purchased" for prostitution, as statutorily mandated under Sections 371-A (kidnapping/abducting to compel prostitution) and 371-B (trafficking for such purposes) PPC; equally, Section 3 TIP Act, proscribing trafficking through force, fraud, or coercion for commercial sex finds no foothold absent proof of recruitment, harboring, transport, or inducement; at best, facts obliquely touch Section 294 PPC (obscene acts), a bailable and non-cognizable offence. No video footage or forensic linkage ties the applicants to pornographic acts at the hotel, and with investigation complete and applicants in judicial remand, further custody serves no purpose but punitive overreach. Counsel thus implored this Court to pierce the prosecution's veil, granting bail to avert miscarriage of justice.

4. The learned Deputy Prosecutor General, representing the State, mounted a stout, albeit circumscribed, resistance. He urged that the applicants' names adorn the FIR, with police witnessing them in an "embarrassing position" alongside women, evincing *prima facie* complicity, and no *mala fides* against the complainant impugns this narrative. Yet, in a candid concession refreshingly

attuned to evidentiary rigour, the DPG acknowledged the glaring void: no material on record establishes trafficking or sale/purchase of women, diluting the gravamen under Sections 371-A, 371-B PPC, and Section 3 TIP Act.

5. This Court, ever vigilant as the sentinel of liberty under Article 10-A of the Constitution and Section 497 Cr.P.C, has meticulously perused the record, FIR, and arguments ad seriatim. Primarily, the prosecution's invocation of Sections 371-A and 371-B PPC crumbles under statutory scrutiny, as these provisions demand explicit proof of abduction/sale for prostitution elements wholly alien to the FIR's sparse recital of "obscene condition" and trivial cash recoveries (Rs.350/- total from applicants); no buyer, seller, price, or compulsion is alleged, rendering the charges a prosecutorial overreach. Analogously, Section 3 TIP Act necessitates force, fraud, or coercion in trafficking for commercial sex, a threshold unmet sans evidence of inducement or transport. Section 294 PPC, marginally apposite, is bailable per Schedule-II Cr.P.C, diluting the case's rigour. The raid's situs, a bustling hotel amplifies doubts, as Section 103 Cr.P.C's mandatory private witness omission vitiates credibility. Conspicuously, no video, independent witnesses, or post-arrest recoveries buttress the tale. Applicants, in judicial custody with investigation foreclosed, merit release lest bail morph into punishment. The double jeopardy of rejected sessions bail yields to this Court's broader vista under Section 497(2) Cr.P.C., where applicants *prima facie* forge a case for trial inquiry.

6. In the crucible of these circumstances, evidentiary paucity, procedural lapses, and statutory mismatch, the applicants unmistakably qualify for bail. They stand admitted thereto upon furnishing solvent surety of Rs.30,000/- each and personal recognizance bonds in like amount, to the trial Court's satisfaction. Observations herein are tentative, eschewing prejudice to trial contestations.

J U D G E