

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Appln. No. S-12 of 2026

Applicant : Mst. Reshma w/o Kanwar, Bagri
Through M/s Zafar Ali Shah and Ather Hussain
Abro, Advocates

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of Hearing : 15.01.2026
Date of Order : 15.01.2026

O R D E R

KHALID HUSSAIN SHAHANI, J.— The applicant, Mst. Reshma, seeks 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. Her prior application was declined by the learned Additional Sessions Judge-III, Sukkur, vide order dated 24.12.2025.

2. Heard learned counsel for the applicant and learned Deputy Prosecutor General, representing the State. The latter concedes the arguments advanced by the learned counsel for the applicant and records no objection for the bail on the rule of consistency.

3. Admittedly this court has already granted post arrest bail to co-accused Munawar Ali and Kareem Bux, vide order dated 12.01.2026 in Cr. Bail Appln. No.S-1274 of 2025, by observing as under:-

- i) *"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.*

ii) 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. "

4. Therefore, applicant is also entitled for same concession.

Accordingly, Applicant Mst. Reshma w/o Kanwar, Bagri is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.30,000/- (Rupees Thirty Thousand) and P.R bond in the like amount to the satisfaction of the trial court.

J U D G E