

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. S-660 of 2025

Before;
Mr. Justice Ali Haider 'Ada'.

Applicant : Raja Solangi son of Mumtaz Solangi, *through* Mr. Sanaullah Gilal, Advocate.

The State : *Through* Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General Sindh.

Complainant : *Through* Mr. Rafique Ahmed K. Abro, Advocate.

Date of Hearing : 18.06.2026
Date of Order : 18.06.2026.

ORDER

Ali Haider 'Ada' J.- Through this bail application, the applicant seeks post-arrest bail in FIR No.21 of 2025, registered at Police Station Khabar, District Kamber, for offences punishable under Sections 365-B and 34, P.P.C. Prior thereto, the applicant approached the learned trial Court for the same relief but remained unsuccessful.

2. Briefly stated, the prosecution case is that on 01.10.2025, the applicant, along with co-accused persons, allegedly abducted the daughter of the complainant, namely Moomal, aged about 18/19 years, at gunpoint. Owing to fear and intimidation, the complainant allegedly remained silent and lodged the FIR on the following day, i.e., 02.10.2025. During the course of investigation, the alleged abductee voluntarily appeared before the police on 07.10.2025, whereupon her memo of appearance was prepared. Subsequently, her statement under Section 164, Cr.P.C. was recorded by the learned Magistrate on 11.10.2025, and thereafter challan was submitted before the competent Court.

3. Learned counsel for the applicant contended that there is an unexplained delay in lodging the FIR as well as in recording the statement of the alleged abductee under Section 164, Cr.P.C. He further argued that the alleged abductee voluntarily appeared before the police, which circumstance itself calls for deeper scrutiny and renders the case one of further inquiry. According to the learned counsel, the applicant has been implicated on account of previous enmity, and there is no reliable material connecting him with the commission of the alleged offence. He, therefore, prayed for grant of post-arrest bail.

4. Conversely, learned counsel for the complainant submitted that the ocular account fully corroborates the prosecution case. He further argued that the statement of the alleged abductee recorded under Section 164, Cr.P.C. specifically implicates the present applicant; therefore, no case for grant of bail is made out.

5. Learned Deputy Prosecutor General adopted the arguments advanced on behalf of the complainant and maintained that the offence falls within the prohibitory clause of Section 497, Cr.P.C.; hence, the applicant is not entitled to the concession of bail.

6. Heard learned counsel for the parties and examined the available record with their able assistance.

7. A tentative assessment of the record reveals that the alleged abductee voluntarily appeared before the police and her statement under Section 161, Cr.P.C. was recorded, wherein she disclosed that a lady had helped her escape from the alleged confinement. Surprisingly, such lady, who appears to be a material witness, was neither associated with nor examined during the investigation. It further appears that the applicant was arrested on 02.10.2025, whereas the

alleged abductee appeared before the police on 07.10.2025 and was produced before the learned Magistrate for recording her statement under Section 164, Cr.P.C. on 11.10.2025, after a delay of four days. Notably, the learned Magistrate did not summon the accused from jail to afford him an opportunity contemplated under Section 164(1-A), Cr.P.C. Consequently, in the peculiar facts and circumstances of the present case, the matter calls for further inquiry within the contemplation of Section 497(2), Cr.P.C. Reliance in this regard may be placed upon ***Shad Ayaz Khan v. The State (2025 YLR 2234) and Afrasiab Khan v. The State (2024 MLD 180)***.

8. Furthermore, there is an admitted delay of about one day in the registration of the FIR for which no plausible explanation has been furnished. Likewise, the delay of four days in recording the statement of the alleged abductee under Section 164, Cr.P.C. has also remained unexplained. It is settled law that unexplained delay in setting the criminal law into motion may bring the case within the ambit of deliberation and consultation and is generally considered detrimental to the prosecution case. Moreover, the alleged abductee, in her statement, did not allege that she had been subjected to zina by any of the accused persons. It is also an admitted position that she was not recovered from the custody or possession of the present applicant or any co-accused. These circumstances, taken cumulatively, render the case one of further inquiry within the meaning of Section 497(2), Cr.P.C, entitling the applicant to the concession of bail. In this regard, reference may be made to ***Abdul Nabi Buriro v. The State (2024 MLD 934)***.

9. Apart from the above, learned Deputy Prosecutor General fairly conceded during the course of arguments that no Joint Investigation Team (JIT) was constituted in the present case, despite the requirements of the Anti-Rape

(Investigation and Trial) Act, 2021. Consequently, the manner in which the investigation has been conducted becomes doubtful, particularly when the procedure prescribed by law has not been adhered to. It is a settled principle that where the law requires a thing to be done in a particular manner, it must be done in that manner alone, failing which it shall be deemed not to have been done in accordance with law. Reliance may be placed upon ***Jeehand v. The State (2025 SCMR 923)***.

10. The prosecution case further reflects an inherent inconsistency. According to the prosecution, the applicant was arrested on 02.10.2025, whereas the alleged abductee appeared before the police on 07.10.2025 and stated that she had remained confined by the accused persons until her escape. If that were so, and the applicant had already been arrested on 02.10.2025, the prosecution was required to establish the place and manner of such confinement and to connect the same with the present applicant. No such material has surfaced during the investigation. Rather, the alleged abductee voluntarily appeared before the police, which circumstance prima facie creates doubt regarding the prosecution's story. At this stage, such contradictions cannot be ignored. It is well-settled that the benefit of doubt can be extended to an accused even at the bail stage. Reliance may be placed upon ***Naveed Sattar v. The State (2024 SCMR 205)***.

11. For the foregoing reasons, it emerges that the applicant has succeeded in making out a case for grant of post-arrest bail. Accordingly, the instant bail application is allowed. The applicant shall be released on bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. It is clarified that all

observations made herein are tentative in nature and shall not prejudice the case of either party during trial.

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