

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 199 of 2026

Applicants : **Salahuddin alias Soobo & Abu Bakar**
Through M/s Shabbir Ali Bozdar and
Badaruddin Memon, Advocates along
with applicants.

Complainant : **Nawab Khan Pitafi** through M/s Achar
Khan Gabol and Jameel Ahmed Gabol,
Advocates.

The State : Through Mr. Muhammad Raza Katohar,
Deputy P.G a/w I.O Ghulam Akbar.

Date of Hearing : **10-08-2026**
Date of Order : **10-08-2026**

ORDER

TASNEEM SULTANA, J.- Through this Crl. Bail Application, the applicants Salahuddin @ Soobo and Abu Bakar seek pre-arrest bail in Crime No.32 of 2026, registered under Sections 452 and 365-B, P.P.C., read with Section 3 of the Trafficking in Persons Act, 2018, at Police Station Daharki. Earlier, their Criminal Bail Application No.301 of 2026 was dismissed by the learned Additional Sessions Judge-II, Mirpur Mathelo, vide order dated 28.02.2026; hence, the instant application for the same concession.

2. Brief facts of the prosecution case are that on 20.01.2026, complainant Nawab Khan, along with his maternal nephews Ashique Ali and Liaquat Ali, went to the house of his daughter Mst. Fahmeeda, where she allegedly informed them that applicant Salahuddin @ Soobo used to pressurize her for illicit relations. They stayed there for the night. On the following morning at about 7:00 a.m., the applicants, allegedly armed with pistols and accompanied by three unidentified armed persons, entered the house, overpowered the complainant party at gunpoint and stated that they would abduct Mst. Fahmeeda for the purpose of marriage and sale. It is further alleged that the applicants caught her by the arms, forcibly dragged her outside, seated her on motorcycles and took her away. The complainant thereafter approached persons of the brotherhood for recovery of his daughter and, when she was not returned, lodged the F.I.R. on 22.02.2026.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated in this case with mala fide intention; that the alleged occurrence took place on 21.01.2026, whereas the F.I.R. was lodged on 22.02.2026 after a delay of more than one month but no plausible reason has been demonstrated; that the prosecution witnesses are closely related to the complainant; that Mst. Fahmeeda is an adult married woman and her own version is not available; that her husband Abdullah had instituted proceedings under Section 22-A, Cr.P.C., asserting that she had gone to her parental home with his consent at the request of her father; that he subsequently also invoked Section 491, Cr.P.C., alleging that she was being kept by her parental family; that no incriminating article has been recovered from the applicants; that except for their nomination in the F.I.R. and statements of the complainant-side witnesses, no independent material connects them with the alleged occurrence; hence, prayed for confirmation of interim pre-arrest bail.

4. Conversely, learned D.P.G., assisted by learned counsel for the complainant, opposed the application and contended that the applicants are specifically nominated in the F.I.R. with a direct role of forcibly taking away Mst. Fahmeeda; that the prosecution witnesses have supported the accusation under Section 161, Cr.P.C.; that Mst. Fahmeeda has not yet been recovered; and that although the applicants appeared before the Investigating Officer, they did not properly cooperate with the investigation. It was prayed that the interim pre-arrest bail be recalled.

5. Heard. Record perused.

6. It appears from the record that both applicants are specifically nominated in the F.I.R. and a clear and direct role has been attributed to them. They are alleged to have entered the house while armed with pistols, along with three other armed persons, overpowered the complainant party and thereafter caught Mst. Fahmeeda by her arms, forcibly dragged her outside and took her away on motorcycles. The complainant and the witnesses examined during investigation have also supported the prosecution version in their statements recorded under Section 161, Cr.P.C.

7. The delay in registration of the F.I.R. has also been pressed into service by learned counsel for the applicants. The complainant, however,

has explained that after the occurrence efforts were made through persons of the brotherhood for recovery of his daughter and the F.I.R. was lodged when those efforts failed. In the circumstances, the explanation offered for the delay cannot, at this stage, be termed implausible, nor does the delay by itself weaken the specific accusation against the applicants.

8. The objection that the prosecution witnesses are related to the complainant, by itself, does not render their statements unworthy of consideration at the bail stage. The occurrence is alleged to have taken place inside the house in the early morning hours and the witnesses stated to be present there appear to be natural witnesses of the occurrence. Nothing has been pointed out from the record to suggest any previous enmity or motive on their part to falsely implicate the applicants.

9. The continued non-recovery of Mst. Fahmeeda is a material circumstance in the present case. Her being an adult married woman does not, by itself, negate the allegation of forcible abduction. According to the prosecution, she was forcibly taken away by the applicants and, despite repeated efforts of the Investigating Officer, her whereabouts remain unknown. In the case of Hilal Khattak v. State (2023 SCMR 1182), the Hon'ble Supreme Court of Pakistan, while considering the effect of non-recovery of the alleged abductee, observed as under:

“9. In the present case, the petitioner being the father of the alleged abductee appears to have had the real motive for the commission of the alleged offences while the others abetted him in his cause. Most of the other accused persons are absconders, and the police have so far only succeeded to bring the petitioner and another accused person to justice. There is thus a likelihood that the petitioner may also abscond if he is released on bail. Further, and more importantly, the alleged abductee Rabia Khattak has not yet been recovered. No one knows whether she is alive or not. There is a possibility that the petitioner may cause her harm or may coerce her to influence her evidence concerning the facts of this case if he is released on bail. The exceptions of likelihood of repeating the offence and influencing the witness are thus also attracted. The case of the petitioner, therefore, attracts not one but almost all the three exceptions which justify the declining of bail even in offences that do not fall within the prohibitory clause of section 497(1), Cr.P.C.”

In the present case, the offence under Section 365-B, P.P.C. is punishable with imprisonment for life and, therefore, falls within the prohibitory clause of Section 497(1), Cr.P.C.

10. Learned counsel for the complainant has also referred to the statements of the applicants recorded by the Investigating Officer on 25.02.2026. It appears therefrom that although the applicants appeared before the Investigating Officer, they did not furnish any substantive statement regarding the occurrence or the whereabouts of Mst. Fahmeeda and instead stated that they were on bail and would submit their version before the Court through counsel. Thus, while their appearance before the Investigating Officer cannot be disputed, the record reflects that they did not cooperate with the Investigating Officer in any meaningful manner. This circumstance assumes greater significance when Mst. Fahmeeda has still not been recovered.

11. The reliance placed upon the proceedings initiated by Abdullah, husband of Mst. Fahmeeda, under Sections 22-A and 491, Cr.P.C. does not advance the case of the applicants, as both proceedings were dismissed without any finding supporting the defence version.

12. It is well settled that pre-arrest bail is an extraordinary relief and is not to be granted as a matter of course. In *Rana Abdul Khaliq v. The State and others* (2019 SCMR 1129), the Hon'ble Supreme Court of Pakistan has held as under:

“Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law.”

13. Applying the above principle to the present case, the applicants have failed to substantiate the plea of mala fide, ulterior motive or abuse of process so as to justify the extraordinary protection of pre-arrest bail. No previous enmity or other material has been shown to suggest that their arrest is being sought merely to harass or humiliate them. The material discussed above, coupled with their conduct during investigation, does not bring their case within the exceptional parameters governing grant of such

relief. Consequently, the instant bail application was dismissed vide short order dated 10.08.2026, whereby the interim pre-arrest bail granted to the applicants vide order dated 03.03.2026 was recalled. These are the reasons for the said short order.

14. 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

Ahmad