

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Bail Application No.S-1143 of 2025
(Allah Dino Sanghar vs. The State)

Date	Order with signature(s) of Judge(s)
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1. For orders on office objection
2. For hearing of Post-Arrest Bail Application.

30.03.2026.

Mr. Achar Khan Gabol, Advocate for the Applicant.
Syed Sardar Ali Shah, Additional Prosecutor General.
None present for the Complainant.

Ali Haider 'Ada', J:-Through this bail application, the applicant, Allah Dino Sanghar, seeks post-arrest bail in Crime No. 93/2025, registered at Police Station 'A' Section, Ghotki, on the report of Habibullah Sanghar, for offences punishable under Sections 452, 365-B, 376, P.P.C., and Section 3 of the Trafficking in Persons (Prevention and Protection) Act, 2018. His earlier bail application was declined by the learned Additional Sessions Judge-II, Mirpur Mathelo, vide order dated 13.10.2025.

2. The prosecution case, in brief, is that on 27.03.2025, the complainant alleged that his daughter, namely Anita, aged about 15/16 years, was present at home along with other family members when certain persons were restrained from standing in front of their house. It is alleged that, out of vengeance, the present applicant, along with two unknown accomplices, armed with deadly weapons, forcibly entered the house and abducted the complainant's daughter for the purpose of committing zina. The incident was reported on 29.03.2025.

3. During the course of investigation, the alleged abductee appeared before the police, and her statement under Section

161, Cr.P.C. was recorded, wherein she stated that the accused persons had left her at a bus terminal. A memo of recovery was prepared on 02.04.2025. Subsequently, her statement under Section 164, Cr.P.C. was recorded on 05.04.2025, wherein she nominated two additional accused persons, who have already been admitted to bail by this Court.

4. Learned counsel for the applicant contended that there is an inordinate and unexplained delay in the lodging of the F.I.R. It is further argued that no serious effort was made by the prosecution for the recovery of the alleged abductee, as she herself appeared voluntarily. It is also submitted that the statement under Section 164, Cr.P.C. was recorded with a delay of three days without plausible explanation. Learned counsel further argued that the medical evidence as well as DNA reports is negative, which prima facie do not support the allegation under Section 376, P.P.C. He further contended that the applicant is a disabled person, and that co-accused, who have been nominated in the statement under Section 164, Cr.P.C., have already been granted bail by this Court. In support of his contentions, reliance has been placed on the different cases, reported in 2016 SCMR 1523, 2016 SCMR 1399, 2017 SCMR 366, and 2019 MLD 1168.

5. The record further reflects that the complainant was repeatedly granted opportunities to pursue the matter and engage counsel. Despite availing such opportunities and being fully aware of the dates of hearing, neither the complainant nor his counsel has shown due diligence in prosecuting the case.

6. Conversely, learned Additional Prosecutor General opposed the bail application and contended that the offence under Section 365-B, P.P.C. is clearly attracted. He

further argued that mere disability of the applicant does not imply impotency and, therefore, does not entitle him to bail. It is also contended that the medical and DNA evidence require deeper appreciation and that the applicant has been specifically nominated by the alleged abductee in her statement under Section 164, Cr.P.C.

7. I have heard the learned counsel for the parties and have minutely perused the material available on record.

8. From the very face of the record, there is a delay of two days in the registration of the F.I.R. for which no plausible explanation has been furnished. Furthermore, although the alleged abductee appeared on 02.04.2025, her statement under Section 164, Cr.P.C. was recorded after a further delay of three days, i.e., on 05.04.2025. The spirit and object of the Anti-Rape (Investigation and Trial) Act, 2021 require that the statement of the victim be recorded at the earliest possible opportunity; thus, such delay, prima facie, constitutes a valid ground for consideration of bail. Reliance in this regard is placed upon **Mazhar Ali vs. The State (2025 SCMR 318)**, as well as the verdict of this Court in **Shoaib vs. The State (2012 MLD 1798)**, wherein bail was granted on account of delay in recording the statement under Section 164, Cr.P.C.

9. Suffice it to say that the medical evidence, prima facie, appears to be in favour of the applicant. The medical officer, after conducting the physical examination of the alleged abductee, opined that no traces of male semen were detected, nor were any marks of violence found on the body of the victim suggestive of forcible sexual assault. The medical report, therefore, reflects a negative finding with regard to the allegation of rape and does not, at this stage, lend support to the prosecution case under Section 376, P.P.C. In this context, reliance is placed upon **Muhammad Shakeel vs. The State**

(2025 SCMR 1592), Muhammad Aslam vs. The State (2023 SCMR 397), and Mst. Yasmin Butt vs. Majid Baig alias Bobby Pehlwan (2008 SCMR 1602), wherein it has been held that where medical evidence does not support the allegation of rape, the same constitutes a relevant consideration for the grant of bail. The case law referred by the learned counsel for the applicant is also on similar footing.

10. Furthermore, so far as the allegation under Section 365-B, P.P.C. is concerned, it is noted that two co-accused persons, who were nominated by the alleged victim in her statement under Section 164, Cr.P.C., have already been admitted to bail by this Court. In such circumstances, the rule of consistency squarely applies, as the role attributed to the present applicant appears to be similar in nature. Reliance in this regard is placed upon **Abdul Mateen Mehboob vs. The State (2026 SCMR 135)**, wherein it has been held that the rule of consistency, also known as the doctrine of parity in bail matters, postulates that where the role assigned to an accused is identical or similar to that of a co-accused who has been granted bail, the same benefit should ordinarily be extended to such accused, in line with the settled principle that "like cases should be treated alike," after accurate evaluation and assessment of co-offender's role in commission of alleged offence.

11. Accordingly, and in view of the above, the applicant has successfully made out a case for the grant of bail. The instant bail application is hereby allowed. Consequently, the applicant, Allah Dino Sanghar, is admitted to bail subject to furnishing a solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand only) along with a PR bond in the like amount to the satisfaction of the learned trial Court. The

observations made hereinabove are tentative in nature and shall not prejudice the case of the applicant at trial.

JUDGE