

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Bail Application No.S-62 of 2026.
(Awal Khan vs The State)

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

04.05.2026.

M/s. Ali Ahmed Khan and Bilal Ahmed Soomro,
Advocates for the Applicant.
Mr. Agha Imran Khan, Advocate for the Complainant.
Syed Sardar Ali Shah Rizvi, Additional Prosecutor General,
along with Nazir Ahmed Soomro, DSP Agra.

Ali Haider 'Ada', J:- Through this bail application, the applicant/accused, namely Awal Khan Teghani, seeks post-arrest bail in Crime No.28 of 2018, registered at Police Station Agra, for an offence punishable under Section 365-B PPC. The FIR was lodged on 31.07.2018, whereas the alleged date of the incident is 09.07.2018. Earlier, the bail application of the present applicant was declined by the learned Additional Sessions Judge-IV, Khairpur, vide order dated 02.12.2025.

2. As per the prosecution case, as set out in the FIR, some unknown persons, at gunpoint, allegedly abducted the daughter of the complainant, namely Sajida. Subsequently, on 08.08.2018, the complainant, through a further statement, nominated the present applicant, whereafter he was implicated in the case, arrested, and is now facing trial.

3. Learned counsel for the applicant contends that there is no direct or tangible evidence connecting the applicant with the alleged offence. It is argued that the name of the applicant surfaced belatedly through a further statement, without any supporting material or explanation. He further submits that there is an unexplained and inordinate delay in

the registration of the FIR as well as in the nomination of the applicant, which creates serious doubt in the prosecution's case, thus bringing the matter within the ambit of further inquiry.

4. Conversely, learned counsel for the complainant submits that the complainant has no objection to the grant of bail and does not wish to pursue the matter further.

5. Learned Additional Prosecutor General, while opposing the grant of bail, submits that although the case may fall within the scope of further inquiry, it remains the responsibility of the State to trace and produce the alleged abductee, whose whereabouts have remained unknown for the past eight (08) years.

6. Heard learned counsel for the parties and perused the material available on record.

7. It is an admitted position that the FIR was initially registered against unknown persons, and the present applicant was nominated subsequently through a further statement recorded after a delay of about seven (07) days, without disclosing any source or basis for such nomination. Moreover, there is an unexplained delay of about twenty-two (22) days in lodging the FIR. No specific role, motive, or incriminating material has been attributed to the present applicant. The cumulative effect of these circumstances prima facie brings the case within the purview of "further inquiry" as contemplated under Section 497(2), Cr.P.C. In such circumstances, the settled principle of "bail is the rule and jail is the exception" is applied. Reliance in this regard is placed upon the cases of *Mazhar Ali v. The State* (2025 SCMR 318) and *Ejaz Ahmad Chaudhary v. The State* (2025 SCMR 1596).

8. Accordingly, the instant bail application is allowed. The applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand only) along with a P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. It is, however, clarified that State functionaries are directed to make earnest and effective efforts to trace and produce the alleged abductee before the competent Court of law, and the learned trial Court shall monitor such efforts through periodic reports.

JUDGE