

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Criminal Bail Application No.S-331 of 2026.  
**[Amjad Hussain @ Amjad Gopang vs.The State]**

Applicant : Amjad Hussain @Amjad Gopang,  
*through*, Mr. Rukhsar Ahmed M.  
Junejo, Advocate.

The State : *through*, Mr. Muhammad Raza  
Katohar, Deputy Prosecution  
General.

Complainant : Naimat Ali Mallah, *through*  
Mr. Ashique Ali Shaikh, Advocate.

Date of hearing : 04.05.2026  
Date of Order : 04.05.2026

**ORDER**

**Ali Haider 'Ada' J.-** Through the instant bail application, the applicant seeks post-arrest bail in Crime No. 144 of 2025, registered under Section 377, P.P.C., at Police Station Sobhodero. The F.I.R. was lodged on 30.12.2025 by the complainant, Naimat Ali, with regard to an incident alleged to have occurred on the same day. Prior to filing the present application, the applicant approached the learned trial Court; however, his bail application was declined vide order dated 26.03.2026.

2. The crux of the prosecution case, as set out in the F.I.R., is that the minor son of the complainant, namely Muhammad Saqain alias Ali Abbas, aged about seven years, was subjected to an unnatural offence by the present applicant. Upon such allegation, the instant case was registered.

3. Learned counsel for the applicant contends that the applicant is a juvenile and, on that ground alone, is entitled to the concession of bail. It is further argued that the medical evidence does not

corroborate the ocular account, thereby creating doubt in the prosecution case.

4. Conversely, learned counsel for the complainant opposed the grant of bail and submits that the contention regarding inconsistency in medical evidence is misconceived. He argued that the medical officer, upon examination of the victim, confirmed that the act of sexual assault had been committed, and the same is further substantiated by the chemical examination and other forensic reports. He also produced relevant reports during the course of arguments and maintained that sufficient incriminating material exists against the applicant.

5. The learned Deputy Prosecutor General also opposed the bail application, contends that mere assertion of juvenility does not entitle the applicant to bail as a matter of course, particularly when the offence alleged is heinous in nature and involves sexual assault upon a minor child.

6. Heard. Record perused.

7. From the tentative assessment of the material available on record, including the medical report, chemical examination, and DNA analysis, it appears that there is no material contradiction between the medical and ocular account. Rather, the medical evidence prima facie corroborates the allegations leveled in the F.I.R., thereby connecting the applicant with the commission of the offence. Given that the alleged victim is a minor of tender age, the matter requires careful and cautious consideration. In this regard, reliance is placed upon the cases of *Itbar Muhammad vs. The State* (2024 SCMR 1576) and *Wajid vs. The State* (2023 YLR Note 60), wherein it has been held that where medical evidence supports the prosecution case, bail in offences of such nature is not to be granted lightly.

8. As regards the plea of juvenile, Section 8 of the Juvenile Justice System Act, 2018 provides a specific mechanism for determination of age. In the present case, no material has been placed on record to show that the applicant has sought determination of his age through the prescribed procedure. Mere assertion of being a juvenile, without substantiation, is insufficient to extend the benefit of bail.

9. Furthermore, in the case of *Kamran vs. The State (2024 SCMR 1419)*, the Honourable Supreme Court of Pakistan has held that mere claim of juvenile does not entitle an accused to the concession of bail, particularly where the allegation pertains to a heinous offence.

10. In view of the foregoing circumstances, this Court is of the considered view that the applicant has failed to make out a case for grant of post-arrest bail. Consequently, the instant bail application is hereby dismissed. However, the learned trial Court is directed to conclude the trial expeditiously, preferably within a period of **two (02) months** from the date of receipt of this order.

**J U D G E**