

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S- 163 of 2026

Date of hearing: 31.08.2026.

Date of order: 31.08.2026.

Mr. Kashif Nazir Bhurt, Advocate for applicant along with applicant (on bail).

Mr. Kashif Hussain, Advocate for complainant.

Mr. Altaf Khokhar, D.P.G for State along with IO/Inspector Zulfiqar PS Kotri.

ORDER

ABDUL MOBEEN LAKHO, J.- Applicant/accused Haroon Khan @ Ismail Khan Pathan seeks pre-arrest bail in Crime No.43/2025 registered at Police Station Kotri District Jamshoro for offences u/s 365-B, 34 PPC. Previously, the applicant/accused applied for the same relief before the learned 2nd Additional Sessions Judge, Jamshoro but the same was declined vide order dated 12.01.2026.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel appearing on behalf of the applicant contends that applicant is innocent and has falsely been implicated in the case in hand with malafide intention and ulterior motive of the complainant; that there is delay of more than one month in lodgment of FIR for which the complainant has failed to disclose any plausible explanation; that co-accused having identical role have already been granted bail by this Court vide order dated 30.01.2026 hence on the rule of consistency the present applicant is also entitled for the same relief. He lastly prayed for confirmation of interim pre-arrest bail.

4. On the other hand, learned counsel for complainant as well as learned D.P.G vehemently opposed the confirmation of interim pre-arrest

bail on the ground that the present applicant along with his companions kidnapped the daughter of complainant aged about 16 years.

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

6. As per contents of the FIR, the girl is said to have been abducted on 03.01.2025, but the F.I.R. was lodged on 05.02.2025 after the delay of more than one month. The explanation for the delay is that the girl's family approached some notables, who assured them that the girl would return, and thus they did not approach the police. No allegation that this was a case of kidnapping for ransom. On the contrary, it seems that the girl may have left on her own with one of the applicants. No independent witness has been cited who saw the kidnapping. The mother of the girl filed a section 491 Cr.P.C. application saying that the girl was missing. There is no evidence shown to me that the girl was a minor, which may have brought in different considerations. The delay in the lodging of the F.I.R. creates doubt in the authenticity and accuracy of the details contained therein. It remains to be seen whether the applicant participated in the commission of the alleged offence, which can only be determined after evidence is recorded at trial. The co-accused having similar role have already been granted bail by this Court vide order dated 30.01.2026 hence the applicant is also entitled for the same treatment. In these circumstances, the applicants' case calls for further inquiry.

7. In view of above discussion, the application of Sections applied is yet to be established by prosecution after recording evidence. It is also settled law that tentative assessment is to be made at bail stage and deeper appreciation of evidence is not permissible. Accordingly and in view of above, case against applicant requires further enquiry within the meaning of subsection (2) to Section 497 Cr.P.C. Consequently instant bail application is allowed and the interim pre-arrest bail already granted to applicant on 04.02.2026 is hereby confirmed on same terms and conditions. The applicant present is directed to continue his appearance before the Trial Court without fail till final decision of main case.

8. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the time of trial.

JUDGE

