

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

Criminal Bail Application No.S- 229 of 2026

Date of hearing: 24.08.2026.

Date of order: 24.08.2026.

Mr. Muhammad Hassan Chang, Advocate for applicant along with applicant (on bail).

Ms. Rameshan Oad, D.P.G for State along with IO/Inspector Ghulam Qadir Massan PS Badin.

Complainant Lakhi present in person.

ORDER

ABDUL MOBEEN LAKHO, J.- Applicant/accused Tahir Ali Junejo seeks pre-arrest bail in Crime No.132/2025 registered at Police Station Talhar District Badin for offences u/s 377, 337-A(i), 337-F(i) PPC. Previously, the applicant/accused applied for the same relief before the learned 2nd Additional Sessions Judge, Badin but the same was declined vide order dated 30.01.2026.

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 on account of old enmity; that prior to this FIR, the complainant had also lodged another FIR No.36/2024 against the father, uncle and other family members of the applicant/accused; that the applicant is a juvenile of 15/16 years old and has nothing to do with the alleged offence; that FIR is delayed by 03 days without any plausible explanation; that DNA report does not match and has come in negative. He lastly prayed for confirmation of interim pre-arrest bail.

4. On the other hand, learned D.P.G vehemently opposed the confirmation of interim pre-arrest bail on the ground that this is a heinous offence against society and carries capital punishment.

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

6. It appears that there exists old enmity between the parties and in this regard an FIR No.36/2024 was also lodged by complainant against the accused party. There is delay of 03 days in lodgment of FIR for which no plausible explanation has been furnished. The applicant/accused is a juvenile aged about 15/16 years and in this regard the counsel for applicant has annexed his school leaving certificate. As per contents of FIR the victim is said to be mentally abnormal but the doctors opined in medical report that he is not abnormal. Furthermore, the victim was examined on 31.08.2025 and the provisional medical certificate was issued on 03.09.2025 whereas the DNA report of the victim was issued on 24.12.2025 after the delay of more than three (03) months wherein the doctors have opined that "The 02 Anal swab samples & Cloths of victim Shakeel Ahmed s/o Lakhi Junejo (Item 1.0 & Item 2.0) do not contain any Semen stain/Sperm fractions." The said DNA report has also not been challenged by complainant party as per learned DPG. It is settled law that mere heinousness of offence or the offence applied carries maximum punishment, is no ground to intercept the concession of bail to an accused if otherwise attending circumstances may support his case. It is also settled law that every accused is to be presumed as blue eyed boy of law until and unless may be found guilty of alleged charge and law cannot be stretched upon in favour of prosecution particularly at bail stage.

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 23.02.2026 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

Tufail