

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-533 of 2026

(Allah Bux @ Illahi Bux vs. The State)

Applicant : Allah Bux @ Illahi Bux s/o Allah Wadhayo
Through Mr. Mazhar Ali Laghari, Advocate.

Respondent : The State
Through Mr. Neel Parkash, D.P.G.

Date of hearing : 20.10.2026

Date of Order : 20.10.2026

ORDER

NISAR AHMED BHANBHRO, J: Through the instant bail application, applicant Allah Bux @ Illahi Bux s/o Allah Wadahyo, seeks post arrest bail under Section 497 Cr.P.C., in F.I.R., bearing Crime No.84 of 2026, registered at Police Station Jhol for offences punishable under Sections 365, 376(i) PPC. His earlier application for post arrest bail was dismissed by the learned Additional Sessions Judge/Judge Gender Based Violence Court, Khipro, vide order dated 18-09-2026 passed in Criminal Bail Application No. 32 of 2026, whereafter he invoked the jurisdiction of this Court.

2. The facts necessary for deciding instant bail application are that complainant Ahmeduddin Laghari lodged instant F.I.R., on 29-06-2026 at PS Jhol alleging therein that on 01.05.2026, he left his wife, Mst. Amina, at the house of her relatives near Barkat Road for a visit. On 13.05.2026, his brother-in-law, Hussain Khan Laghari, informed him through phone that his wife Mst. Amina was asking to be taken back home. He replied that he is busy working at the brick kiln and asked him to put her on a van and send her home. In the evening, when he returned home, he inquired from his uncle Muhammad Din Laghari and his father Afladin, about his wife; they informed him that Mst. Amina had not yet arrived home. Thereafter, he contacted his brother-in-law Hussain Khan, who informed him that on the previous evening, i.e., 12.05.2026, his nephew Allah Bakhsh Lund, had come to his house as a guest, on the morning of 13.05.2026, his nephew, Allah Bakhsh Lund, said that he would take his maternal aunt Mst. Amina, along with him. Upon receiving this information from his brother-in-law, Hussain Khan, they went to the village of Jangi Lund, where Allah Bakhsh Lund resided. There, they came to know that Allah Bakhsh Lund had not returned home. They then searched for and made inquiries about his wife and Allah Bakhsh Lund, but no trace of

them could be found. On 13.06.2026, he, his uncle Muhammad Din, his father Afladin, and other family members were present at home when, at about 7:30 p.m., his wife, Amina, arrived home. She narrated while crying that his nephew, Allah Bakhsh Lund, had taken her from the house of her brother, Hussain, on the pretext that he would take her to her village. Thereafter, he told her that they would go to Kadhan, from where he would drop her home. She further stated that when they got off the van at Kadhan, three unidentified men, whose faces were uncovered and whom she would be able to identify if they were brought before her again, arrived in a car. Allah Bakhsh, along with those men, made her sit in the car and took her to Karachi, where she was kept in a rented room. Allah Bakhsh repeatedly subjected her to rape and kept telling her that he would marry her. She told him that he could not marry her because she was his maternal aunt. Thereafter, she managed to find an opportunity to escape from there and returned home. After his wife narrated these facts, they approached the elders of their community and reported the matter to them. Thereafter, complainant came at police station and lodged instant F.I.R.

3. Learned counsel for the applicant contended that there is delay of one month and 16 days in registration of F.I.R., without any explanation. He next contended that the victim in her 164 Cr.P.C statement recorded before the concerned Magistrate did not disclose about commission of rape with her by the applicant. He next contended that applicant has been falsely implicated in this case due to dispute over landed property. He further contended that the D.N.A report is in negative. He further contended that case against the applicant requires further inquiry. He, therefore prays for bail to the applicant on merit.

4. Conversely, learned D.P.G while controverting the submissions contended that delay in recording F.I.R has been explained as after about one month of alleged incident the victim lady returned back at her home and disclosed the facts of incident to the complainant. He further submits that alleged offence falls under the prohibitory clause of section 497(1) Cr.P.C. He, therefore, prays for dismissal of instant bail application.

5. Heard arguments and perused the material available on record. Admittedly, there is delay of about one month and 16 days in registration of F.I.R., without explanation. It is alleged in the F.I.R., that the wife of the complainant went missing on 13-05-2026 and he found that his nephew Allah Bux was also not in his house; thereafter she (victim) returned back at her home on 13-06-2026 and disclosed that on 13-05-2026 applicant Allah Bux had taken her at Karachi and confined her in a room and committed *Zina* and then after getting chance she

returned back at home. It transpires that applicant Allah Bux is nephew of alleged victim Mst. Amna and after registration of F.I.R., the victim was produced before the learned Magistrate, wherein she recorded her statement under section 164 Cr.P.C; however, did not allege that she was subjected to *Zina*. In her 161 Cr.P.C statement though she has complained that she was subjected to *Zina*. During investigation blood sample of the applicant and vaginal swab of alleged victim Mst. Amna were taken and sent for D.N.A report; however, per laboratory report, available at page No.47 of court file, the 02 vaginal swabs, 01 anal sample and all the clothes of victim Mst. Amna w/o Ahmed Din do not contain any male DNA semen stains/sperm fractions; as such no further material is available on record regarding commission of *Zina with* the victim. The victim has herself returned back home, no recovery has been affected from the person of applicant/accused. The statement under section 161 Cr.P.C and that of statement under section 164 Cr.P.C of the victim are at variance and it is yet to be determined after recording evidence at trial that which out of two statements was correct. There is blood relationship between the parties and it is yet to be determined at trial that offence alleged was actually committed by the applicant or he was implicated in this case under trumpeted charges. Hence, the guilt of the applicant falls within the scope of section 497(2) Cr.P.C, calling for further inquiry, wherein grant of bail is a matter of right.

6. For the foregoing reasons and without expressing any final opinion on the merits of the case, the applicant has succeeded in making out a case for grant of post arrest bail. Consequently, the applicant namely Allah Bux @ Illahi Bux s/o Allah Wadahyo is admitted on bail subject to furnishing a solvent surety in the sum of Rs.200,000/= (Rupees Two Hundred Thousand only) and P.R. Bond in the like amount to the satisfaction of learned trial court.

7. Needless to observe that the findings and observations recorded herein are purely tentative in nature and confined to the disposal of the instant bail application. The learned trial Court shall decide the case strictly on the basis of the evidence brought before it, independently and without being influenced by any observation contained in this order.

The instant bail application stands **allowed** accordingly.

JUDGE

Approved for reporting.

Saleem

