IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 3143 of 2026

Applicant	:	Shareem S/o. Abdul Samad Through Mr. Moula Bux Bhutto, Advocate
The State	:	Through Ms. Tahira Depar, A.P.G
Complainant	:	Ansar ul Haq son of Haji Shoukat,
Date of hearing	:	15.10.2026.
Date of order	:	15.10.2026.

O R D E R

***Jan Ali Junejo*, J.**— Applicant Shareem S/o. Abdul Samad seeks post-arrest bail in a case bearing Crime No. 490/2026, for offence under section 365-B PPC r/w section 3(I) TIP Act, 2018 registered at P.S Orangi Town, Karachi. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-X, Karachi West, which was declined vide order dated 27.07.2026.

2. As per the contents of the FIR, the complainant Ansar-ul-Haq, resident of House No. 711, Mohalla Ittehad Town, Orangi Town, Sector 12-L, Karachi, stated that he earns his livelihood by working as a labourer for Bykea to support his large family. He further stated that his daughter, namely Noureen aged about 15–16 years was a student of Class IX or X at Shagufta Memorial School, Sector 12-L, Karachi. According to the complainant he had received a marriage proposal for his daughter from the family of Abdul Samad for his son namely Shareem. However, upon making inquiries from the residents of the locality, he came to know that Shareem was addicted to drugs; therefore, he refused the proposal. Thereafter, Shareem allegedly threatened him on several occasions, warning that if he did not accept the proposal, he would take away his daughter. The complainant alleged that on 25.06.2026, his daughter, as usual, went out to purchase breakfast but did not return home. He searched for her at various places but could not find her. He then visited the house of Shareem to inquire about his daughter's whereabouts, where the family denied having any information about her and informed him that Shareem had also left home in the morning and had not returned. Subsequently, the complainant came to know that Shareem had allegedly taken away his daughter. Upon confronting Shareem's parents, they allegedly stated that the incident was the consequence of his refusal to

accept the marriage proposal. As the complainant failed to trace his daughter, he approached the police station and lodged the instant FIR, alleging that Shareem had abducted his daughter with the intention of compelling her to marry him.

3. Learned counsel for the applicant contends that the applicant/accused is innocent and has been falsely implicated in the instant case with malafide intention. He submits that the applicant and the alleged abductee solemnized marriage of their own free will on 23.06.2026, without any force or coercion, and that she thereafter resided happily with the applicant as his wife, whereupon the complainant lodged the instant false FIR. He further submits that the father of the applicant filed Cr. Misc. Application No. 4925/2026 before the learned Additional Sessions Judge-VII, Karachi West, wherein, as observed in the order dated 30.09.2026, Mst. Noreen initially supported the FIR version in her statement recorded under Section 164 Cr.P.C. and expressed her desire to go with her parents; however, in her subsequent statements recorded before the learned Additional Sessions Judge on 22.09.2026 and 30.09.2026, she categorically expressed her desire to reside with the applicant and stated that her earlier statement had been made under compulsion of her parents. He further contends that the complainant's version regarding the circumstances in which his daughter went missing on 25.06.2026 is contradicted by her statement recorded under Section 164 Cr.P.C., wherein she allegedly stated that she had gone to appear in an examination, thereby rendering the prosecution's version doubtful. Learned counsel further submits that the investigation has been completed and that the allegation regarding the applicant's alleged drug addiction has not been substantiated during the investigation. He maintains that the alleged abductee was neither kidnapped nor compelled to marry the applicant, as is evident from the photographs, videos, and Nikahnama produced before the Court, which, according to him, demonstrate that she left her home and contracted the marriage of her own free will. He argues that the essential ingredients of Section 365-B PPC are not attracted to the facts of the case and that no sufficient material is available to connect the applicant with the commission of the alleged non-bailable offence. He further submits that the applicant is neither a hardened, desperate, nor dangerous criminal and that bail cannot be withheld as a measure of punishment in advance, as held in *PLD 1972 SC 81*. Accordingly, learned counsel prays that the applicant be admitted to bail.

4. Complainant Ansar ul Haq son of Haji Shoukat is present in Court and has filed his affidavit of no objection, whereby he has expressly stated that he have no objection to the applicant being admitted to bail.

5. Conversely, the learned Assistant Prosecutor General formally opposed the grant of post-arrest bail to the applicant/accused.

6. I have heard learned counsel for the applicant, learned Assistant Prosecutor General for the State, and have examined the available record.

7. The prosecution case, as set out in the FIR, primarily rests upon the allegation that the applicant abducted the complainant's daughter with the intention of compelling her to marry him. However, at this tentative stage, certain circumstances appearing on record call for consideration. Admittedly, the applicant and the alleged abductee contracted marriage on 23.06.2026, and the Nikahnama and affidavit of free will have been produced in support of the applicant's contention that the marriage was solemnized voluntarily. Furthermore, the record of Cr. Misc. Application No. 4925/2026, filed by the applicant's father before the learned Additional Sessions Judge-VII, Karachi West, reflects that although Mst. Noreen initially supported the FIR version in her statement recorded under Section 164 Cr.P.C. and expressed her desire to go with her parents, she subsequently appeared before the learned Additional Sessions Judge and expressed her desire to reside with the applicant, stating that her earlier statement had been made under compulsion of her parents. These subsequent statements, coupled with the marriage documents, constitute circumstances requiring further assessment during trial, particularly in determining whether the alleged abduction was accompanied by the intention or purpose contemplated under Section 365-B PPC. Moreover, the complainant namely Ansar-ul-Haq is present before this Court and has submitted an affidavit of no objection to the grant of bail to the applicant. Although such no objection is not, by itself, decisive in a case involving an offence of this nature, it is a relevant circumstance to be considered alongside the other material available on record. The alleged discrepancy regarding the circumstances in which the alleged abductee left her home, the subsequent statements attributed to her, and the material relating to the solemnization of marriage raise questions requiring further inquiry into the applicant's culpability. The investigation has also been completed and the applicant is no longer required for further investigation, as per the submissions advanced on his behalf. Needless to observe, the tentative assessment of the material at the bail stage is not to be construed as a

final determination of the merits of the case, which shall be decided by the learned trial Court after recording and appreciating the evidence.

8. In view of the foregoing circumstances, without expressing any opinion on the merits of the case, I am of the tentative view that the case of the applicant calls for further inquiry within the meaning of Section 497(2) Cr.P.C. Accordingly, the instant post-arrest bail application is allowed, and the applicant Shareem son of Abdul Samad is admitted to bail subject to furnishing solvent surety in the sum of Rs. 100,000/- (Rupees one hundred thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. It is clarified that the observations made herein are tentative in nature and shall not prejudice either party during the trial.

J U D G E