IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-597 of 2026

(Raja vs. The State)

Applicant : Raja son of Mashooque
Through Mr. Farhan Ahmed Bozdar, Advocate.

Complainant : Nemo.

Respondent : The State
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of hearing : 23.11.2026

Date of Order : 23.11.2026

O R D E R

ZULIFQAR ALI SANGI, J: Through the instant bail application, the applicant Raja son of Mashooque seeks post-arrest bail under Section 497 Cr.P.C in F.I.R bearing Crime No.144 of 2026, registered at Police Station Jhol, for offences punishable under Sections 364-A, 376(ii) and 34 PPC. His earlier application for post-arrest bail was declined by the learned Additional Sessions Judge/G.B.V Court, Khipro vide order dated 03.11.2025, passed in Criminal Bail Application No.401/2026.

2. The facts of the case are mentioned in the FIR and need no repetition in compliance with the judgment of the Hon'ble Apex Court reported as PLD 2014 SC 458.

3. Learned counsel for the applicant mainly contended that there is a delay of more than three years and four months in registration of the FIR, which has not been explained. He further placed on record a copy of the order dated 07.05.2026, passed in C.P No.S-293/2026, wherein the alleged abductee along with the present applicant filed the above constitutional petition and protection was provided to them by the Circuit Court at Hyderabad. He next contended that only to drag the present applicant into a false case, the date of the incident has been shown as 15.06.2022, whereas the complainant was aware of the passing of order in favour of the applicant dated 07.05.2026, which creates very serious doubt in the prosecution case. He prayed for the grant of bail to the present applicant/accused.

4. On the other hand, learned D.P.G for the State opposed the grant of bail to the applicant/accused on the ground that the applicant/accused is nominated in the FIR with specific role of abducting Mst. Salma; therefore, he does not deserve any leniency. He prayed for dismissal of the bail application.

5. I have heard learned counsel for the applicant, learned D.P.G for the State and perused the material available on record. From the perusal of the record, it reflects that there is a delay of more than three years and four months in registration of the FIR, which has not been properly explained. Even before the registration of the FIR, the alleged abductee and the applicant approached this Court by filing Constitutional Petition No.S-293/2026 at the Circuit Court, Hyderabad, wherein protection was granted to them vide order dated 07.05.2026. The perusal of order dated 07.05.2026 it reveals that the alleged abductee Mst. Salma stated before Hyderabad Circuit Court that she being major, has contracted marriage with the applicant and no one has kidnapped her. Therefore, the case of the applicant/accused requires further inquiry and the applicant is entitled to the grant of bail.

6. For the foregoing reasons, the instant criminal bail application is allowed. The applicant Raja son of Mashooque is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand), together with a personal recognizance bond in the like amount to the satisfaction of the 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.

8. The instant Criminal Bail Application is disposed of.

JUDGE

"Chander Kumar"