IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2955 of 2025

Applicants	:	1. Shah Faisal Khan son of Yousuf Khan 2. Salman @ Shahjee Son of Muhammad Sadique. Through Mr. Muhammad Hashmat Khalid, advocate
Complainant	:	Kareemullah Son of Azizullah Through: in person.
The State	:	Through Mr. Abrar Ali Khichi, Addl. P. G. Sindh.
Date of hearing	:	23.10.2026.
Date of order	:	23.10.2026.

O R D E R

***Jan Ali Junejo*, J.**— Applicants 1) Shah Faisal Khan son of Yousuf Khan & 2) Salman @ Shahjee son of Muhammad Sadique seek pre-arrest bail in a case bearing Crime No. 240/2025, for offence under section 147/148/149/365/377/511/452/506-B/337-A(i)/34 PPC registered at PS Peerabad, Karachi. Prior to this, the applicants had sought the same relief before the learned Additional Sessions Judge-X, Karachi West which was declined vide order dated 21.10.2025. They were admitted to interim pre-arrest bail by this court vide order dated 28.10.2025, now the matter is fixed for confirmation of interim bail or otherwise.

2. Brief facts of the case, as stated in the FIR, are that the complainant stated that he alongwith his family is residing at the given address and earning his livelihood through labour work. On 28.02.2025, at about 2230 hours, his son Jawwad, aged about 18 years, was allegedly forcibly taken away by accused Faisal, alongwith his associates namely Faiz, Salman alias Tension, Bilal alias Tension from Muhammadpur Qasba Colony, on motorcycles to Manghopir, Ghazi Goth, where they allegedly stripped him, made a video of him and attempted to commit sodomy; however, his son managed to escape and subsequently lodged a complaint at Police Chowki Muhammad Pur. It was further alleged that on 30.05.2025, at about 1930 hours, while the complainant was present at his house along with his brother Shari, father, Ahsanullah and Ameen, accused persons alongwith about 11/12 armed persons entered his house, threatened them

at gunpoint for lodging a complaint against them, struck his brothers with the butts of pistols and intimidated them. The accused persons also resorted to aerial firing, and upon hearing the gunshots, the residents of the locality gathered at the spot, whereupon the culprits fled on their motorcycles while resorting to firing. The complainant, therefore, approached the police and sought legal action against accused Faisal Tension and his associates for extending threats, causing injuries and resorting to firing. Hence, this FIR.

3. Learned counsel for the applicants contended that the applicants are innocent and law-abiding citizens and have been falsely implicated in the case by the complainant with mala fide intention and ulterior motives to blackmail and pressurize them. He argued that the prosecution story is false, fabricated, concocted and an afterthought, and that no such occurrence, as alleged in the FIR, ever took place. He further submitted that no specific role has been attributed to the applicants in the commission of the alleged offences, nor has their involvement been established through any independent eyewitness. Learned counsel further contended that the complainant Karimullah has expressed no objection to the grant of bail to the applicants and has voluntarily forgiven them in the name of Almighty Allah without any coercion, particularly when most of the offences incorporated in the FIR are compoundable under the law. He argued that the alleged offences do not fall within the prohibitory clause of Section 497 Cr.P.C., and that the case against the applicants calls for further inquiry. He maintained that the possibility of their false implication cannot be ruled out, as they are neither hardened, desperate nor habitual criminals, and there is no likelihood of their absconding or tampering with the prosecution evidence. He further submitted that the police are repeatedly conducting raids at their residences with mala fide intention to arrest, humiliate and harass them, whereas their apprehension of arrest is based upon ulterior motives. Lastly, he contended that no reasonable grounds exist to believe that the applicants have committed the alleged offences, that they have no previous criminal convictions, and that they are permanent residents of Karachi and ready to furnish solvent sureties to the satisfaction of this Honourable Court; hence, they are entitled to the concession of pre-arrest bail.

4. Complainant Kareemullah and injured Jawwad submitted that the matter has been amicably resolved between the parties and have sworn an affidavit expressing no objection to the grant of bail to the applicant.

They, therefore, stated that they have has no objection if the applicant is admitted to bail in the circumstances.

5. Conversely, the learned Addl. Prosecutor General Sindh formally opposed confirmation of pre-arrest bail to the applicant/accused.

6. I have heard learned counsel for the applicant, learned APG for the State and have examined the material available on record with their assistance.

7. The prosecution case, as disclosed in the FIR, relates to two separate alleged occurrences, the first being dated 28.02.2025, wherein the complainant's son was allegedly abducted and subjected to an attempt of sodomy, while the second occurrence is alleged to have taken place on 30.05.2025, when about 12 armed persons allegedly entered the complainant's house, extended threats and caused injuries to the complainant's family members. However, a tentative assessment of the material available on record reveals that the applicants have disputed their involvement in the alleged occurrences and have taken a specific plea of false implication on account of previous enmity and mala fide intention. The defence has also questioned the specific roles attributed to the applicants and the manner in which their identification and participation in the alleged offences have been established. These aspects require examination in the light of the evidence to be recorded during trial.

8. Another significant circumstance requiring consideration is that the complainant Karimullah and injured Jawwad are present before this Court and have categorically stated that the dispute between the parties has been amicably resolved. They have also submitted affidavits expressing their no-objection to the grant of bail to the applicants. Although the alleged offences include Sections 365 and 377 PPC, and the question of compounding any offence is subject to the relevant provisions of law and permission of the competent Court, the voluntary statement of the complainant and the injured person is nevertheless a relevant circumstance for the limited purpose of determining the question of bail. It is clarified that their no-objection shall not, by itself, result in termination of the criminal proceedings or absolve the applicants of any criminal liability.

9. It is further pertinent to observe that the offences alleged against the applicants, except to the extent attracted by the provisions of law relating to the prohibitory clause, require consideration in the context of

the specific role attributed to each applicant and the material collected during investigation. The mere inclusion of serious penal provisions in the FIR cannot, by itself, be treated as sufficient to decline bail without examining the available material and the individual role of the accused persons. The questions relating to the alleged abduction, the alleged attempt to commit sodomy, the subsequent occurrence at the complainant's house, the identity of the assailants and the extent of participation of each applicant require deeper appreciation of evidence, which is not permissible at the bail stage.

10. Furthermore, the learned APG has opposed confirmation of pre-arrest bail; however, no exceptional circumstance has been pointed out before this Court which, at this tentative stage, would justify the arrest of the applicants, particularly when the complainant and the injured person have expressed no objection to their release on bail. No material has been brought on record to establish any likelihood of their misusing the concession of bail. The plea of mala fide and ulterior motives, raised by the applicants, also requires consideration in the overall circumstances of the case.

11. It is settled that the extraordinary concession of pre-arrest bail is intended to protect a person from unjustified arrest, particularly where the circumstances indicate mala fide, ulterior motives or an attempt to subject the accused to unnecessary humiliation. In the present case, considering the disputed nature of the allegations, the defence plea of false implication, the statements and affidavits submitted by the complainant and injured person, and the absence of any exceptional circumstance warranting the arrest of the applicants, I am of the tentative view that the applicants have made out a case for confirmation of interim pre-arrest bail. Consequently, the interim pre-arrest bail granted to applicants (1) Shah Faisal Khan son of Yousuf Khan and (2) Salman alias Shahjee son of Muhammad Sadique, vide order dated 28.10.2025, is hereby confirmed on the same terms and conditions.

12. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party before the learned trial Court.

The instant Criminal Bail Application is disposed of accordingly.

J U D G E