IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.3650 of 2026

Applicant	:	Inam-ul-Haq son of Abdul Hameed Ansari, *Through* Mr. Amjad Ali Odhano, Advocate.

Cr. Bail Application No.3418 of 2026

Applicant	:	1. Muhammad Muddasir Ansari, 2. Muhammad Muzzamil, *Through* M/s. Shahid Hussain Channa and Mansoor Ali Panhwar, Advocates.
Respondent	:	The State *Through* Mr. Muhammad Mohsin Mangi, APG.
Date of hearing	:	09.11.2026
Date of Order	:	09.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** Applicants Inam-ul-Haq, Muhammad Mudassir Ansari and Muhammad Muazzamil seek pre-arrest bail in a case bearing Crime No. 256/2026, registered at Police Station Ittehad Town, Karachi, for offence under Section 365-B PPC, with Section 375-A PPC subsequently incorporated during investigation. Their earlier applications were dismissed by the learned Additional Sessions Judge-X, Karachi West, through a common order dated 26.09.2026.

2. The prosecution alleges that Mst. Muntasha, aged about 19 years, was abducted on 03.08.2026 while returning from her coaching Centre, taken in a Hi-Roof vehicle to an undisclosed place and compelled to contract Nikah with applicant Inam-ul-Haq against her will. She allegedly escaped on 05.08.2026, whereafter her father lodged the FIR on 06.08.2026. In her subsequent statement under Section 164 Cr.P.C., she attributed specific acts of inducement, abduction, confinement, intimidation and coercion to the applicants.

3. Learned counsel for the applicants contended that the alleged abductee, being *sui juris*, voluntarily married Inam-ul-Haq on 03.08.2026, as evidenced by the Nikahnama, marriage registration certificate and affidavit of free will. They argued that the prosecution was instituted at the instance of her parents, who disapproved of the marriage; that she acknowledged Inam-ul-Haq as her husband during proceedings under Section 491 Cr.P.C.; and that her subsequent statement under Section 164 Cr.P.C.,

recorded while residing with her parents, was inconsistent with her earlier declaration. Reliance was also placed upon the three-day delay in registration of the FIR, absence of external injuries, negative forensic findings, want of independent corroboration and completion of investigation. It was further urged that Mudassir and Muazzamil were neither parties nor witnesses to the Nikah, and their alleged participation remained unsubstantiated. Conversely, learned APG assisted by the learned counsel for complainant opposed the applications, emphasizing the victim's detailed judicial statement, the specific roles attributed to the applicants and the gravity of the accusation falling within the prohibitory clause of Section 497(1) Cr.P.C.

4. Heard and perused the record. The decisive consideration at this stage is whether the material collected during investigation, tentatively assessed, furnishes reasonable grounds connecting the applicants with the alleged offence and whether circumstances exist justifying the extraordinary concession of pre-arrest bail. The record discloses that Mst. Muntasha, in her statement under Section 164 Cr.P.C., specifically alleged that Mudassir induced her to attend a designated place on the pretext of arranging marriage; that she was thereafter forcibly taken in a Hi-Roof vehicle, blindfolded, confined and threatened; and that Inam-ul-Haq and Muazzamil participated in the occurrence culminating in a Nikah allegedly procured through coercion. The accusation is thus not confined to an omnibus allegation of complicity; rather, the applicants have been assigned identifiable roles in the alleged transaction. Although a statement under Section 164 Cr.P.C. is not substantive evidence and its ultimate worth remains subject to proof and cross-examination, it constitutes relevant incriminating material for the limited purpose of bail and cannot be discarded merely upon an allegation of parental influence.

5. The Nikahnama, marriage registration certificate and affidavit of free will, admittedly material to the defence, prima facie support the existence of a marriage between Mst. Muntasha and Inam-ul-Haq. They do not, however, conclusively establish its voluntary character when the very foundation of the prosecution case is that the marriage was procured through intimidation and compulsion. The discrepancy between the date of Nikah appearing in the documents is03.08.2026, and the date alleged in the FIR is 04.08.2026, undoubtedly requires explanation, but its evidentiary consequence cannot appropriately be determined without examining the relevant witnesses and circumstances attending execution of those documents. The right of an adult Muslim woman to marry a person of her

choice is unquestionable; equally, that right cannot be invoked to legitimize a marriage allegedly brought about through abduction or coercion. The controversy, therefore, concerns the voluntariness of consent rather than the mere existence of a matrimonial relationship.

6. The reliance placed upon the proceedings under Section 491 Cr.P.C. is equally inconclusive. The order dated 07.09.2026 reflects that Mst. Muntasha appeared before the Court and expressed her desire to reside with her parents, whereupon the petition was dismissed. Even assuming that she acknowledged Inam-ul-Haq as her husband, such acknowledgement does not necessarily establish that the marriage was contracted voluntarily. Those proceedings were confined to determining the question of unlawful detention and did not adjudicate the criminal accusation now under consideration. Likewise, the defence allegation that her subsequent statement was procured through parental pressure remains a disputed assertion requiring proof.

7. The medical and forensic evidence also warrants consideration in its proper perspective. The medico-legal examination disclosed no external marks of violence, while the Sindh Forensic DNA and Serology Laboratory, through report No. SFDL-2026-548, found no seminal material on the victim's vaginal swab. These findings are undoubtedly relevant, particularly to the allegation subsequently introduced under Section 375-A PPC; however, the absence of injuries or seminal material neither conclusively excludes coercion nor negatives the essential ingredients of Section 365-B PPC, which concerns kidnapping or abduction with the requisite intent or knowledge of compelling a woman to marry against her will. Conversely, the medical observation regarding a torn and healed hymen cannot independently establish recent sexual intercourse, its forcible nature or the identity of any offender. The applicability of Section 375-A PPC shall, therefore, remain subject to independent judicial scrutiny upon the evidence, without affecting the distinct accusation under Section 365-B PPC.

8. The delay in registration of the FIR and absence of CCTV footage, call-detail records, recovery of the alleged vehicle or independent eyewitnesses are circumstances favouring the defence, but are not, in isolation, sufficient to discredit the victim's detailed account at this preliminary stage. The alleged occurrence commenced on 03.08.2026, the victim returned on 05.08.2026 and the FIR followed on 06.08.2026. Whether the intervening period occasioned deliberation or was reasonably

attributable to the victim's disappearance and subsequent disclosure is a matter for evidence. Similarly, while independent corroboration may strengthen the prosecution case, its absence does not necessarily render the testimony of a victim legally inconsequential, provided such testimony ultimately inspires confidence. The Court, at the bail stage, cannot undertake a meticulous appraisal or conclusively resolve competing versions.

9. The individual positions of the applicants have also been examined. Inam-ul-Haq is alleged to be the intended beneficiary and an active participant in the forced marriage; Mudassir is specifically accused of inducing the victim to attend the designated place and facilitating her subsequent abduction; whereas Muazzamil is implicated in the collective acts of restraint and coercion. The latter's absence from the marriage documents does not necessarily exonerate him from participation in the alleged antecedent offence. The precise degree of their respective involvement, however, shall be determined by the trial Court upon independent appraisal of the evidence.

10. The principles regulating pre-arrest bail are settled. The jurisdiction under Section 498 Cr.P.C. is extraordinary and intended to protect against arrest motivated by mala fides, ulterior considerations or abuse of process, while the existence of incriminating material, the nature of accusation and the circumstances attending the proposed arrest remain relevant considerations. Reference may be made to PLD 2009 SC 427[1], 2024 SCMR 14[2] and PLD 2024 SC 1241[3]. Although completion of investigation and absence of further recovery are relevant considerations, they do not, by themselves, create an indefeasible entitlement to anticipatory bail. Equally, mere assertions of mala fides cannot substitute for circumstances reasonably supporting such an inference.

11. In the present case, the defence plea of false implication principally rests upon the complainant's alleged disapproval of the marriage. Such possibility cannot be altogether excluded; nevertheless, the victim's own judicial statement specifically attributing coercive acts to the applicants, coupled with the surrounding prosecution material, prima facie furnishes reasonable grounds for their involvement in an offence punishable under Section 365-B PPC, which falls within the prohibitory clause of Section 497(1) Cr.P.C. The competing marriage documents and forensic findings

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[1] Rana Muhammad Arshad v. Muhammad Rafique and another
[2] Salman Mushtaq and others v. The State through P.G. Punjab and another
[3] Saeed Ahmed and another v. The State

raise questions requiring adjudication, but do not, at this stage, sufficiently displace the accusation or establish that the intended arrest is actuated by mala fides. The material, viewed cumulatively, does not persuade this Court that the applicants have made out a case for the extraordinary protection sought.

12. For the foregoing reasons, both criminal bail applications are dismissed and the interim pre-arrest bail granted to the applicants stands recalled. The impugned common order dated 26.09.2026 consequently remains undisturbed.

13. Needless to observe that these findings are purely tentative, confined to the disposal of the instant applications, and shall neither prejudice the defence nor influence the learned trial Court, which shall determine the culpability of each accused independently, strictly upon admissible evidence and in accordance with law.

J U D G E