

JUDGMENT SHEET
IN THE HIGH COURT OF BALOCHISTAN, QUETTA
Criminal Bail Application No.152 of 2025
(CC # 100107804159)

Samiullah Vs. The State

Date of hearing: 24.11.2025 Announced on: 26.11.2025

Applicant by: Mr. Muhammad Aslam, Advocate.

State by: Ms. Noor Jahan Kahoor, Additional Prosecutor General.

O R D E R

Sardar Ahmad Haleemi, J: This case arises against the Order dated 21st October, 2025 (hereinafter “**the impugned Order**”) passed by learned Additional Sessions Judge-II/MCTC-I, Quetta (hereinafter the “**trial Court**”), whereby, Criminal Bail Application filed by the applicant/accused in case FIR No.80 of 2025, under Section 377, 34 PPC, registered at Police Station Satellite Town, Quetta was declined.

2. In pursuance of the instant FIR, the applicant/accused was arrested. Upon the completion of the investigation, the investigating officer submitted the case challan before the trial Court, and the trial commenced.

3. Learned counsel for the applicant/accused contended that the applicant is innocent and has been falsely implicated with mala fide intentions; that the DNA report does not match the applicant, which alone entitles him to bail; that there are material contradictions between the FIR and the victim’s statement under Section 164 Cr.P.C, wherein the victim himself admitted that the applicant did not commit

rape; that the investigation was not conducted in accordance with the Anti-Rape (Investigation and Trial) Ordinance, 2020, rendering it unreliable; that the FIR was lodged on his father's instructions, who also injured the applicant, showing clear mala fide; that there is unexplained delay in lodging the FIR, and the sequence of events shows that the applicant was forcibly taken and made a scapegoat after the real culprit escaped; that the investigation is complete, the applicant is no longer required, and prosecution-caused delay in trial should not deprive him of liberty; that superior courts have held that bail should not be withheld as punishment; that the applicant also suffers from kidney disease and is not receiving proper treatment in jail; that the complainant's own statement regarding the timing of the FIR application creates further doubt about the prosecution case; that the applicant undertakes to abide by all conditions imposed by this Honorable Court and reserves his right to raise all legal and factual pleas at trial. Learned counsel for the applicant/accused placed reliance on the cases of Muhammad Nauman Hanif v. The State (2016 SCMR 1399), Mohsin v. The State (2017 SCMR 290) & Sohail Akhtar v. The State (2022 SCMR 1447).

4. Conversely, the learned Additional Prosecutor General contended that the applicant is directly nominated in a serious offence under Section 377 PPC, which falls within the prohibitory clause; that the victim's early statements support the prosecution case, and minor discrepancies pointed out by the defence cannot be considered at the

bail stage; that the DNA report is not conclusive for negating the offence, as absence of semen does not rule out the act alleged; that the prosecution maintains that no mala fide or enmity has been shown to justify false implication and that the applicant was apprehended at the spot, supporting the prosecution version; that the delay in FIR is not fatal and has been explained, and the investigation has been conducted lawfully. Considering the gravity of the offence and the likelihood of influencing witnesses, the applicant does not deserve the concession of bail; therefore, the instant bail application is not maintainable.

5. We have heard the learned counsel for the applicant and perused the record.

6. A perusal of contents of the crime report reveals that the complainant nominated the applicant/accused, along with the absconding accused person, with the allegation that the applicant/accused, along with his companions, forcibly committed sodomy with his child Muhammad Azan Ali (the victim). As per MLC, Dr. Ayesha Faiz, Police Surgeon, Sandeman Provincial Hospital, Quetta examined the victim and opined that the sodomy was committed with the victim. During the investigation, the blood sample, buccal swaps and clothes of the victim were secured and sent to the laboratory for analysis. Besides, the victim in his statement, recorded under Section 164 Cr.P.C., also implicated the applicant/accused in the commission of the alleged offence.

7. All the above facts, circumstances and incriminating evidence available on record, prima facie connect the

applicant/accused in the commission of a non-bailable offence; as such, no case of bail is made out at this stage.

The case laws referred to and relied upon by learned counsel for the applicant/accused are distinguishable from the facts and circumstances of the instant case.

For the above reasons, Criminal Bail Application No.152 of 2025 is dismissed.

The observations made hereinabove are tentative in nature, and the same shall not influence the merits of the case at the trial.

Announced in open Court:
Quetta, on 26th November, 2025.

Judge

Judge.