

**IN THE COURT OF WAJID ALLI, ADDITIONAL SESSIONS JUDGE,**  
**HARIPUR AT GHAZI**

Naseer Muhammad vs. State

Petition No. 135/4  
Date of Institution 05.08.2023  
Date of Decision 12.08.2023

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other proceedings with Signatures of Judge or Magistrate and that of parties or council where necessary.
1	2	3
05	12.08.2023	<p>Accused/petitioner through counsel present. Complainant in-person present. Javed Yousaf, learned APP for the State present.</p> <p>2. Accused/petitioner namely; Naseer Muhammad s/o Ghulam Muhammad caste Chitrali presently resident of Chandni Chowk Tarbela Tehsil Ghazi District Haripur, seeks his post arrest bail in case FIR No. 337 dated 13.07.2023 under section 376/377 of the PPC read with section 53 of the Child Welfare and Protection Act, 2010 registered at Police Station Ghazi.</p> <p>3. The complainant charged the accused/petitioner for commission of carnal intercourse against the order of nature with his minor son aged about 09 years and commission of rape with another minor girl aged about 09 years at the time and date mentioned in the FIR.</p> <p>4. Arguments of the learned counsel for the accused/petitioner and that of the complainant</p>

heard and record perused.


5. Tentative assessment of the record reveals that the accused/petitioner is directly charged in the FIR. Although the medical reports of both the minors are negative in respect of any practical sexual activity and the offences u/s 376 and 377 of the PPC do not seem to have been committed. However, as per statements of both the minors wherein the facts and circumstances they have narrated, it *prima facie* constitute an offence of *sexual abuse* punishable u/s 53 of the Child Protection and Welfare Act, 2010 — as such attracts the prohibitory clause of section 497 of the Cr.P.C. The offence is heinous in nature and against the society as well as of moral turpitude. Although the matter is reported with delay of about 11 days however the same is plausibly explained. Both the minors/victims were allegedly threatened of dire consequences. Likewise, the matter was unseen and the victims are of tender age, in such circumstances, delay in lodging the report is natural. Similarly, in our society every effort is made to suppress such events and only in compelling circumstances the aggrieved party resorts to report to the local

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police. Therefore, delay in reporting the matter is not beneficial for the accused/petitioner.

6. Given that, the available pieces of evidence cumulatively make reasonable grounds which *prima-facie* connect accused/petitioner with the commission of offence; therefore, I am not inclined exercise my discretion in favor of accused/petitioner for his release on bail. Hence, the instant bail petition stands dismissed. File be consigned to the Record Room after its completion, whereas, record be returned to the quarter concerned with a copy of this order.

Announced:  
12.08.2023

  
(Wajid Ali)  
Additional Sessions  
Judge, Haripur At  
Ghazi.