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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
Crl. Bail Appln. No.S-559 of 2020.

Date

Order with signature of Hon'ble Judge

1. For orders on office objection.
2. For hearing of Bail Application.

Mr. Muzaffar Ali Wadhio, advocate for the applicant, along with applicant.

Mr. Aitbar Ali Bullo, Deputy Prosecutor General.

Mr. Asif Ali Abdul Razak Soomro, advocate for the complainant.

Date of Hearing : 12.04.2021.

Date of decision : 19.04.2021.

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ORDER

**Omar Sial, J.-** Muhammad Ali Golo has sought pre-arrest bail in crime number 32 of 2020 registered under sections 506/2 and 34, P.P.C. at the Dil Murad Police Station. Earlier, his application seeking bail was dismissed by the learned 2<sup>nd</sup> Additional Sessions Judge, Jacobabad on 23-10-2020.

2. A brief background to the case is that Nadeem Khoso lodged the aforementioned F.I.R. on 28-7-2020 that a few days ago one lady by the name of Malookan came to him and disclosed that her daughter Sawera was illegally detained by her husband Muhammad Ramzan and father-in-law Muhammad Alam Golo and that she wanted her daughter back. The complainant moved an application under section 491, Cr.P.C. before the learned 1<sup>st</sup> Assistant Sessions Judge, Jacobabad, in which proceedings Sawera was produced by her father and grand-father. The court handed over Sawera to her mother Malookan. This angered Muhammad Ramzan. The next day i.e. on 27-7-2020, while the complainant with 2 others, was sitting at his otaque, Muhammad Alam, Muhammad Ali, Muhammad Ramzan and Muhammad Jan, armed with pistols, came there and threatened the complainant of dire consequences before leaving the spot while hurling abuses at the complainant.

3. I have heard the learned counsel for the applicant, the complainant as well as the learned D.P.G. My observations are as follows.

4. Vague and general allegations against all the accused have been leveled by the complainant. No specific role is attributed to any one person. There are no independent witnesses to the incident. The complainant is ostensibly an advocate and by his own argument before the learned trial court, Malookan did not engage him to represent Sawera in the subsequent family suit she filed against her husband Muhammad Ramzan. Further, as argued by the learned counsel for the applicant, a tribal friction is at the heart of this dispute. Malifide therefore cannot be conclusively ruled out at this stage. An offence under section 506/2 falls within the non-prohibitory clause of section 497 and I see no exceptional or extraordinary reasons to deny the applicant the concession of bail.

5. The interim pre-arrest bail granted to the applicant on 28.10.2020 is confirmed on same terms and conditions.

 19/4/21  
JUDGE