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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Bail Appln. No.S- 518 of 2019.

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection as flag A.
2. For hearing of bail application.

26.12.2019.

Mr. Muhammad Afzal Jagirani, advocate a/w the applicant.

Mr. Muhammad Noonari, D.P.G.
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Applicant is present on bail alongwith his counsel. Complainant is present in person and seeks time to bring his counsel who is said to be busy before Bench of this Court at Sukkur.

Through this bail application, applicant Muhammad Younis seeks pre arrest bail in Crime No.47 of 2019 of P.S Darri Larkana, registered for an offence under Section 364-A PPC, after rejection of his bail plea by learned IVth Additional Sessions Judge, Larkana vide order dated 07.8.2019.

Since the facts of the case are already available in the FIR which is brought on record, which need not be reproduced again.

Learned counsel for the applicant submits that the incident is said to have taken place on 21.4.2019 at 11.00 a.m whereas FIR was lodged on 21.5.2019 at 1500 hours and such delay has not been explained by the prosecution. He further submits that the complainant as well as father of the present accused are real brothers interse and the dispute between them is over marriage of the daughter of the complainant who intends to get marry his daughter forcibly with the present applicant/accused. According to him, alleged victim/abductee is an abnormal girl therefore, applicant refused to marry with her and subsequently complainant in order to exert pressure upon them has got this case registered so that he could fulfill his unjustified demand. He submits that the prosecution case against the present applicant/accused calls for further enquiry therefore, he prays for confirmation of bail.

Learned D.P.G also very candidly extended no objection.

Heard arguments of learned counsel for parties and perused the material brought on record. From the perusal of the FIR it reveals that the applicant alongwith his father allegedly abducted daughter of the complainant over a chinchikshaw and being real cousin as well as uncle of the victim, it can not be safe for a person to commit such crime which would be proved smoothly against them. The FIR is also delayed which is sufficient to hold case of prosecution against the applicant to be of further enquiry. Mere heinousness of the offence would not intercept the way of the applicant for withholding the concession of bail, more particularly when no allegation of zina has been leveled against the applicant. The applicant present in Court seems to be underage, therefore, if he may be put behind bars, he would not only loose his liberty but his future career would also be spoiled.

In the circumstances and in view of above, I am of considered view that conditions prescribed by the Hon'ble Supreme Court of Pakistan in the case of Rana Muhammad Arshad v. Muhammad Rafique & others vide PLD 2009 SC 427 are fully attracted and satisfied. Therefore, the applicant has made out a good prima facie case for confirmation of bail as his case requires further enquiry. Accordingly bail application is hereby allowed. Consequently, interim bail already granted to the applicant/accused is hereby confirmed on the same terms and conditions.

JUDGE

shabir