

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 237 of 2017.

Date of hearing	Order with signature of Judge
08.09.2017.	

1. For orders on office objections.
2. For hearing of bail application.

Mr. Rafique Ahmed K. Abro, Advocate for applicants.

Mr. Aijaz Mustafa Samtio, DDPP.

Complainant is present in person.

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**Muhammad Saleem Jessar, J:** Applicants by means of instant application have sought their admission on pre arrest bail in Crime No.75/2017, P.S A-Section Shahdadkot, for offence under Sections 506 (2), 452, 148 & 149 P.P.C. Earlier, they have filed bail application No.614/2017 before the Court of learned Sessions Judge, Kamber-Shahdadkot @ Kamber, which then was assigned to Additional Sessions Judge, Shahdadkot, who by order dated 07.06.2017 has declined their request and hence this application.

Crux of the prosecution case as unfolded in F.I.R is that the complainant is ex-wife of applicant/ accused Zahoor Ahmed and due to matrimonial disturbances had sought separation by way of "Khula" from the Court of competent jurisdiction in the year 2010 and custody of minor children was handed over to her. She has alleged that after the custody of minors was handed over to her; the applicant Zahoor/her ex-husband has been threatened to her for dire consequences and ultimately on 15.5.2017, the accused Zahoor Ahmed alongwith other accused entered their house and thereby threatened her for criminal intimidation and on intervention of inmates she was rescued, while accused persons decamped from the scene. After registration of F.I.R, the investigation was carried out and the I.O has submitted challan before the competent Court of law having jurisdiction on 08.06.2017, but failed to arrest the accused/ applicants. The case has also been challaned by the police and

is pending for trial before the Court of learned Civil Judge and Judicial Magistrate-II, Shahdadkot, Re; State v. Zahoor Ahmed and others.

Learned counsel for the applicants submitted that the complainant is ex-wife of applicant/ accused Zahoor Ahmed and after getting separation from Court of law she is residing at her home and the applicants have no nexus with her but in order to exert pressure upon applicants she has filed this F.I.R so that they may not claim custody of minors. He further submits that so far as case of maintenance of minors is concerned, such guardianship application No.25/2017 is pending adjudication before 2<sup>nd</sup> Civil & Family Judge, Shahdadkot. He next submitted that the offences, with which the applicants have been roped in, are carrying maximum punishment, if proved by the prosecution, upto seven years, therefore, does not come within the limits of prohibitory clause of Section 497 Cr.P.C. In such eventuality, he prays for confirmation of interim pre arrest bail.

Learned DDPP after having instructions from the complainant has very candidly conceded to confirmation of pre arrest bail.

Apparently, the complainant is ex-wife of applicant/ accused Zahoor Ahmed and after separation, custody of minor was handed over to her by the competent Court of law and as far as maintenance of minors is concerned, she was required to file proper application before the Court concerned but instead she has arraigned the applicants by filing criminal case. The guardian and wards application bearing No.25/2017 filed by applicant/ accused Zahoor is also pending adjudication, therefore, case against applicants requires further enquiry. In the circumstances, in view of the no objection extended by the learned DDPP and in view of guiding principles contained in case of *Tariq Bashir v. The State* reported in 1995 PLD S.C 34, the instant application is allowed. Interim order passed earlier dated 09.06.2017 is hereby confirmed on same terms and conditions.

*W.M.J*  
JUDGE 9.7.17

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ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 237 of 2017.

| Date of hearing | Order with signature of Judge |
|-----------------|-------------------------------|
| 13.12.2017.     |                               |

1. For orders on M.A. No. 4240/2017.
2. For orders on M.A. No. 4241/2017.

Mr. Rafique Ahmed K. Abro, Advocate for applicants.  
Mr. Sardar Ali Rizvi, D.P.G.

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1. Urgency application granted.
2. Through instant application, the applicant/ surety Asghar Ali Khoso has prayed for return of surety documents i.e. saving certificates, which he had deposited before this Court on being stood surety for accused Zahoor Ahmed, Ali Raza, Gulzar Ahmed, Saeed Ahmed and Muhammad Ali, who were granted interim pre-arrest bail in Crime No.75/2017 P.S A-Section Shahdadkot, under Sections 506 (2), 452, 148, 149 P.P.C. vide order dated 09.06.2017 and ultimately it was confirmed on 08.09.2017. The applicant submits that after grant of pre-arrest bail the accused surrendered before trial Court and ultimately they stood acquitted vide judgment dated 06.11.2017, by learned Civil Judge and Judicial Magistrate-II, Shahdadkot; he has placed on record certified true copy of such judgment, vide flag-“A”.

Learned D.P.G does not oppose the grant of prayer.

Since, the accused surrendered before trial Court and have been acquitted of the charge, therefore, the surety bond deposited by applicant before this Court is no more required. Accordingly, instant application stands allowed. The office is directed to return to applicant, his documents on proper identification, verification and obtaining a valid receipt.

JUDGE

Ansari/*

Above order complied
on 06.12.2017

F.M.