

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No. 1040 of 2016

Applicant: Saleem s/o. Karar @ Umar,
through Mr. Umar Hayat Sandhu, advocate.

Respondent: The State, through Mr. Abdullah Rajput, APG.

Criminal Bail Application No. 1090 of 2016

Applicant: Hanif s/o Karar @ Umar,
through Mr. Umar Hayat Sandhu, advocate.

Respondent: The State, through Mr. Abdullah Rajput, APG.

Complainant: Ali Muhammad Samejo through
Mr. Ghulam Rasool Soho, advocate.

Date of hearing: 07.02.2017
Date of order: 07.02.2017

ORDER

Zafar Ahmed Rajput, J:- By this common order, I intend to dispose of both above listed bail applications, as the same have arisen out of same crime/ F.I.R. bearing No. 109/2016, registered at P.S. Sujawal, under sections 376, 511, P.P.C.

2. Through Criminal Bail Application No. 1040/2016, applicant/ accused, Saleem son of Karar @ Umar has sought pre-arrest bail in aforementioned crime. His earlier bail application bearing No. 581/2016 was heard and dismissed by the learned Additional Sessions Judge, Sujawal, vide order dated 12.07.2016. The said applicant was granted ad-interim bail by this Court, vide order dated 23.07.2016, now he seeks confirmation of his ad-interim bail. While in Criminal Bail Application, applicant/ accused Hanif son of

Karar @ Umar seeks post-arrest bail in aforementioned crime. His earlier bail application bearing No. 580/2016 was heard and dismissed by the learned Additional Sessions Judge, Sujawal, vide order dated 12.07.2016.

3. As per the F.I.R., the allegation against the applicants is that on 18.06.2016 at morning time they brought the niece of the complainant, namely, Husna and Hanifa into the sugarcane crop for the purpose of committing Zina but on seeing complainant party they fled away by leaving the said girls.

4. Learned counsel for the applicants has mainly contended that the applicants/ accused are innocent and have falsely been implicated in this case, as the applicants are sons of cousin of complainant, and due to family dispute they have falsely been implicated in this case; that the ingredients of constituting the offence of attempt to commit Zina are missing in this case, as nowhere it is mentioned in the F.I.R. that the tape of the clothes of girls or even the cloths of the girls were removed and under the circumstances, the alleged offence at the most falls under section 354 P.P.C, which is bailable one. In support of his contentions, learned counsel has relied upon the cases of (1) HAIDER ALI MALIK V. THE STATE (PLD 1987 Lahore 412) and (2) MUHAMMAD AKHTAR V. THE STATE (P. Cr. L.J. 1118).

5. The learned A.P.G. admitting that the facts as narrated in the F.I.R. describes a mere preparation stage and thus would attract section 354 P.P.C., which is bailable, records his no objection for the grant of bail to applicants.

6. In view of above, ad-interim bail, granted to applicant Saleem son of Karar @ Umar is confirmed on the same terms and conditions, while applicant Hanif son of Karar @ Umar is admitted to bail subject to furnishing solvent surety in the sum of Rs.50,000/- and P.R. Bond in the like amount to the satisfaction of the trial Court

Both the bail applications stand disposed of.

JUDGE