

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No. 1785 of 2017

Date	Order with Signature of the Judge
------	-----------------------------------

For hearing of bail application.

Heard on : 03.07.2018
 Decided on : 02.08.2018
 For Applicant : Mr. Siraj Ali Kan Chandio, Advocate.
 For Complainant : Mr. Javed Iqbal Burqi, Advocate.
 For State : Mr. Sagheer Ahmed Abbasi, A.P.G.

Kausar Sultana Hussain, J. On dismissal of Bail Before arrest Application No. 1159 of 2017, by the trial Court, vide order dated 14.11.2017, the applicant Ashfaq Hussain son of Muhammad Afzal has approached to this Court, by filing instant Cr. Bail Application under Section 498 Cr.P.C, for ad-interim pre-arrest bail in case FIR No. 277/2016, under Section 365/34 PPC, registered at P.S. Rizvia Society, Karachi, which was granted by this court vide order dated 17.11.2017.

2. Facts of the case in brief are that the statement of the complainant Mst. Sultana a Najafi under Section 154 Cr.P.C was transcribed in F.I.R lodged at Police Station Rizvia Society, Karachi, wherein she stated that on 15.11.2016, her younger brother Syed Naeem Haider Najafi aged about 32 years went to Jehangirabad on his motorcycle but he did not return back. Further, on the same night at 4.00 a.m police mobiles of West Zone, with SHO of Police Station Pak Colony, SIP Ashfaq Baloch encircled the area and apprehended three boys and at that time her brother was in the custody of police with them. Later they tried their best to search him in police station of West Zone, but whereabouts of her brother were remained not known, they moved one written complaint to the concerned police station and thereafter she filed petition in this Court bearing No. 6334 of 2016 for recovery of her brother, which is subjudice. It is further

stated that in their Mohallah CCTV Cameras are installed and with the help of Camera when they tried to identify the police officer to which they found SHO of Police Station Pak Colony Ashfaq Baloch clearly visible upon which they contacted him but he on one or other reasons kept on giving excuses for about one and half months, whereabouts of her brother are not known to them and they submitted CCTV footage in this Court and this Court ordered for enquiry and SHO of Police Station Pak Colony was suspended but her brother could not be recovered. This Court ordered for registration of FIR and now she on the directions of this Court came to record her statement.

3. Though there is a delay of almost one year in lodging of FIR of the case yet it is also a fact that the complainant could not get the FIR lodged in spite of her efforts except when this Court issued directions in C.P No. D-6334/2016. Therefore, the reasons for delay are explicate and self-explanatory. It is also on record that the applicant/accused is clearly visible in photographs/CCTV coverage alongwith the brother of the complainant namely Naeem Haider in custody. There is no enmity or animosity proved between the Complainant and the applicant/accused. Naeem Haider still not been recovered though a fairly prolonged period of 20 months elapsed with no trace of his whereabouts. There also appears no plausible cause or cogent reason for falsely implicating and connecting the accused with the offence.

4. It is evident that the applicant/accused failed to provide good prima facie grounds for the grant of bail for the alleged offences.

5. In view of the forging reasons, Ad-Interim Bail before Arrest granted on 17.11.2017 is hereby recalled and application is dismissed.

J U D G E