

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-1028 of 2020

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on office objections.
For hearing of main case.

27.11.2019.

Mr. Ashfaque Hussain D. Solangi, advocate along with applicants.

Ms. Sobia Bhatti, A.P.G for the State.

Mr. Gulzar Ali Almani, advocate for complainant.

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Irshad Ali Shah J;- It is alleged that the applicants with rest of the culprits by trespassing into house of complainant Roshan Ali after keeping him and his witnesses under fear of death and wrongful restraint abducted PW Wajid Ali for ransom, for that the present case was registered.

2. The applicants on having been refused pre arrest bail by learned Additional Sessions Judge-III, Dadu have sought for the same from this Court by way of instant application under Section 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent are involved in this case falsely by the complainant as they may not discharge their lawful duty as public servants; the FIR of the incident has been lodged with delay of about four months; the alleged abductee was having a criminal record and he has come back voluntarily and direct complaint for the same incident has already been dismissed by the Court having jurisdiction and such dismissal of the direct complaint amounts to acquittal of the applicants

and others involved in the incident in terms of section 203 Cr.P.C. By contending so, he sought for pre-arrest bail for the applicants.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to grant of bail to the applicants by contending that they have committed heinous offence.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about four months; such delay could not be lost sight of. The alleged abductee has come back voluntarily, which appears to be significant. No ransom for release of the alleged abductee is paid. The direct complaint relating to same incident has already been dismissed by the Court having jurisdiction. In these circumstances, a case for grant of pre-arrest bail in favour of applicants on point of malafide and further inquiry is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

JUDGE