

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Cr.B.A.No.S-1090 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection

For hearing of main case.

**27.11.2020.**

Mr. Ghulamullah Chang advocate for applicants.

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

Mr. Nabi Bux Narejo, advocate for complainant.

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**Irshad Ali Shah J:-** It is alleged that the applicants with others by making trespass into house of complainant Ali Bux abducted Mst.Amnat and Suneela by causing hatchet blows to PW Ghulam Ali, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned Sessions Judge, Umerkot have sought for the same from this Court by way of instant application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy its matrimonial dispute with them; the FIR has been lodged with delay of about five hours; no case for abduction has taken place; the alleged abductees are residing with their parents happily and injuries sustained by PW Ghulam Ali are minor in nature. By contending so, he sought for post -arrest bail for the applicants on point of further enquiry and malafide. In support of his contention he has

relied upon cases of *Adrees Ahmed and others vs Zafar Ali and another (2010 SCMR 64)* and *Khalil Ahmed Soomro and others vs The State (PLD 2017 Supreme Court 730)*

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to grant of post arrest bail to the applicants by contending that they have actively participated in commission of incident.

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

6. The FIR of the incident has been lodged with delay of about five hours, such delay having not been explained plausibly could not be overlooked. The alleged abductees have returned to their parents on the very same date which appears to be significant. The injuries sustained by PW Ghulam Ali are minor in nature. The parties are already disputed over matrimonial affairs. In these circumstances, a case for release of the applicants on bail on point of further inquiry obviously is made out.

7. In view of above, the applicants are admitted to bail subject to his furnishing surety in sum of Rs.30,000/-each and PR bond in the like amount to the satisfaction of learned trial Court.

8. The instant application is disposed of accordingly.

**JUDGE**