

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

Cr. Bail Application No.D-11 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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PRESENT

Mr. Justice Naimatullah Phulpoto
Justice Mrs. Rashida Asad

For hearing of main case.

Date of hearing : 07.09.2021
Date of order : 07.09.2021

Mr. Mian Taj Muhammad Keerio, Advocate for applicant.
Syed Tarique Ahmed Shah, Advocate for complainant.
Mr. Shawak Rathore, Deputy Prosecutor General

ORDER

NAIMATULLAH PHULPOTO, J.- Applicant / accused Ali Hassan @ Chang S/o Band Ali Bugti seeks post arrest bail in Direct Complaint No.01 of 2020 pending before learned Judge, Anti-Terrorism Court, Shaheed Benazirabad for offences under Sections 365-A, 337-F(i), 337-L(ii), 395, 447, 448, 427, 506/2, 504, 341, 342, 148, 149 PPC r/w Section 6/7 of Anti-Terrorism Act, 1997.

2. It is stated by learned Advocate for the applicant / accused that this Direct complaint after holding preliminary enquiry was brought on record and straightaway NBWs were issued against applicant Ali Hassan @ Chang and others. Learned Advocate further submits that applicant was under arrest in some other case as NBWs were issued against him, he was arrested in this Direct complaint. It is submitted that since March, 2021 applicant / accused is in jail. Applicant / accused filed an application for bail after arrest before learned Judge, Anti-Terrorism Court, Shaheed

Benazirabad, the same was rejected by him vide order dated 30.03.2021. Learned Advocate for applicant / accused mainly contended that allegation against the applicant / accused is that on 15.04.2020, he kidnapped one Muhammad Ameen and demanded Rs.200,000/- for his release. It is further submitted that F.I.R of the incident was not promptly lodged by the complainant and Direct complaint was filed after 22 days of incident. It is argued that ingredients of Section 365-A PPC are not made out. It is submitted that co-accused Daryan and Sawal have already been granted pre-arrest bail by the trial Court and the case of the applicant / accused is identical to that of co-accused. Lastly submitted that case against applicant / accused requires further inquiry.

3. Syed Tarique Ahmed Shah, Advocate appearing for the complainant argued that applicant has been specifically named in the Direct complaint, role has been assigned to him. It is further submitted that complainant Gul Muhammad and PWs in their statement have implicated the applicant in the commission of the offence. It is also argued that the case of co-accused is distinguishable to the case of the applicant. He has opposed the prayer for grant of bail to the applicant.

4. We have carefully heard learned Counsel for the parties and perused the relevant record.

5. In our considered view, applicant / accused is entitled for grant of bail after arrest for the reasons that in this Direct complaint straightaway NBWs were issued against the applicant / accused. F.I.R of the incident was not lodged at the concerned police station. There was inordinate delay in filing of the Direct complaint. Apparently, ingredients of Section 365-A PPC are not made out. Co-accused more or less in the same circumstances have

already been granted pre-arrest bail by the trial Court. Allegations against applicant / accused require further inquiry.

6. For the above stated reasons, a case for grant of bail to the applicant / accused is made out. Consequently, concession of bail after arrest is extended to the applicant / accused, subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand) and P.R Bond in the like amount to the satisfaction of the trial Court. Since this is a Direct complaint, the complainant party is interested for expeditious disposal of the case. Learned Trial Court is directed to proceed with the case expeditiously under intimation to this Court.

JUDGE

JUDGE

Shahid