

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2386 of 2022
Crl. Bail Application No. 1857 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

26-01-2023

Mr. Muhammad Ayub Chandio, Advocate a/w applicant in B.A. No.2386 of 2022.

Mr. Manzoor Hussain Khoso, Advocate a/w applicant in Crl.B.A. No.1857 of 2022.

Mr. Mansoor Ali Panhwar, Advocate for complainant in Crl. B.A. No.1857 of 2022.

Mr. Farhatullah Yaseen, Advocate for complainant in Crl. B.A. No.2386 of 2022.

Mr. Muntazir Mehdi, Addl.P.G.

Abductee Doda Khan is present in person.

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Omar Sial, J: Qabil (through Crl Bail App No. 2386 of 2022) and Najma and Asif Ali Rind (through Crl Bail App No. 1857 of 2022) have sought pre-arrest bail in crime number 437 of 2022 registered under sections 365, 448, 506-B, 457 and 34 P.P.C. at the Boat Basin police station. Earlier, their applications seeking bail were dismissed by the learned 3rd Additional Sessions Judge, Karachi South on 16.08.2022 and 30.11.2022 respectively.

2. The aforementioned F.I.R. was registered on the complaint of one Khalida Anwar. She recorded that on 21.07.2022 she had gone to spend the night with her sister at her home. At night she was informed by her guard Doda Khan that some unknown persons had broken into the house. Doda Khan allegedly became incommunicado after that phone call. Yet another guard by the name of Muneer then informed Khalida that Doda Khan had been abducted by the men who had broken into the house. When Khalida went home she saw 7 or 8 persons were present on the scene and that there was a vehicle parked in which were seated applicants Najma and Asif Rind. She therefore registered the F.I.R. against them.

3. I have heard the counsels for the applicant and the complainant as well as the learned Addl. P.G.

4. Upon a tentative assessment there appears to be malafide on the part of Khalida Anwar in registering this case. Shoddy investigation has taken place. The suspicion of malafide is also raised keeping in view that the parties are apparently litigating over the same property where the offence is said to have been committed. Malafide is further magnified at this preliminary stage when the person said to be abducted i.e. Doda Khan, himself was present in court and categorically stated that he was absolutely unaware till recently that he has been involved in this case. He denied that he ever made a phone call to Khalida Anwar or that anybody had abducted him or that he witnessed any such incident as narrated by Khalida Anwar. Prima facie he appeared to be hale and hearty and there were no signs even remotely that he was making a statement under duress or pressure. Learned counsel had nothing to say when confronted with Doda Khan's statement however it appeared that he too had been kept in the dark by his client.

5. For the above reasons, there is not sufficient evidence at this stage to establish the nexus of the applicants with the offence complained of. Accordingly the interim pre-arrest bails granted to the applicants earlier were confirmed on the same terms and conditions vide order dated 24.1.2023 and these are the reasons for the same.

JUDGE