

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
Cr. Bail Application No.S-795 of 2021  
Cr. Bail Application No.S-797 of 2021

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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19.11.2021.

Mr. Altamash Faisal Arab, Advocate for applicants.  
Mr. Ghulam Mustafa Hingorjo, Advocate a/w complainant.  
Mr. Shawak Rathore, Deputy Prosecutor General.

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MUHAMMAD IQBAL KALHORO, J.- Complainant Hassan is father of victim Qadir Bux who, a labourer in DESCON company, was allegedly confined illegally by applicant Kashif Raza, the Director Security and applicant Qamar Abbas, a Security Guard in Askari Guard Ltd, tasked with security of entire area of Thar Coal Block-II, under suspicion of theft of wires. Allegedly, when complainant went to visit him, he saw his son being tortured by applicants. After nine days, he was handed over by them to the Police concerned as an accused in Crime No.28 of 2021 of P.S Islamkot for offence under Section 379 & 34 PPC. After three days, he got bail and was released. Thereafter, on his narration of the whole incident, his father moved an application under Section 22-A&B Cr.P.C, and resultantly, present FIR has been registered.

2. It is informed that investigation has been completed and the report under Section 173 Cr.P.C has been submitted disclosing that all the offences are bailable except 506(ii) PPC i.e. issuing murderous threats. In the investigation, the victim was examined by the Medico Legal Officer who has opined all the injuries upon his person to be minor and bailable in nature and falling under Section 337-F(i) PPC and 337-L(ii) PPC.

3. Learned Counsel submits that there are material contradictions in the statement of victim and Medico Legal evidence which reflects that the victim had sustained injuries three weeks before examination which period if counted would be beyond and further back from the alleged period of confinement of the victim. Besides, the FIR is delayed for more than 20 days and no explanation has been furnished; in order to settle the score with applicants, the present FIR has been registered; there is no evidence that victim

was confined and tortured by the applicants and it is completely shrouded in mystery that who caused torture to the victim.

4. Learned Counsel for the complainant and Assistant Prosecutor General have opposed bail and submit that there is chance that the applicants may abscond after getting bail.

5. I have considered submissions of the parties and perused material available on record. The investigation has been completed and challan has been submitted. The offences with which the applicants have been charged with are bailable except Section 506(ii) PPC which deals with issuance of threats to cause death of the victim. The offence does not fall within prohibitory clause of Section 497 Cr.P.C, and secondly the question whether the victim was issued such threats or not is yet to be determined by the trial Court. The victim was first arrested in a theft case also extends a ring of further inquiry into guilt of applicants because in presence of such FIR the possibility of exaggeration in the present FIR cannot be ruled out.

6. In view of above, these bail applications are allowed. Applicants Syed Kashif Raza and Qamar Abbas are granted bail, however, subject to their furnishing two sureties in the sum of Rs.200,000/- (Rupees Two Lacs) each to the satisfaction of the trial Court.

7. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Shahid