

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

Cr. B.A. No. D-43 of 2009

DATE

ORDER WITH SIGNATURE OF JUDGE

8.10.2010

Mr. Ghulam Asghar Minbazar advocate for applicants

Syed Meeral Shah Deputy Prosecutor General

Through this application, applicants seek post arrest bail in Crime No. 72 of 2009 registered at police station 365-A, P.P.C. and 6/7 ATA.

The applicants approached the Trial Court but their bail plea was turned down.

On 13.5.2009 at 1410 hours complainant Jehanzeb Sanjrani lodged report with police station Hussainabad which reads as under:-

"It is complaint that I am government servant. I have eight brothers out of them Shahzeb is residing with me in my bungalow whereas others are residing in their respective bungalows at Hyderabad at different places. My brother Shahzeb oftenly used to walk infront of bungalow in between 2300 hours to 2315 hours. On 27.4.2009 at about 2300 hours, my brother went for walk outside the bungalow and did not return back, we tried to contact him on his phone at 2345 hours, but his phone was off. Thereafter in the morning we enquired the whereabouts of our brother Shahzeb to our relatives and his friends. At last on 1.5.2009 at 2130 hours in the night I received phone call on my mobile No. 0300-3060476, I checked the number and found the same number was of my brother. I heard the voice of one person who said did you recognize this number. I replied that it was my brother's number, on which he disclosed his name as dacoit Ashraf Nohani and thereafter the other person has also disclosed his name as dacoit Ghulam Nabi Nohani and said that your brother Shah Zaib was in captivity by our men and you should arrange ransom of rupees five eorer for his release, else your brother will be murdered by pieces and thrown on road. Thereafter I received calls from different numbers and they used to disclose their names as dacoits Mehboob Galahi Khaskheli, Akbar Galahi Khaskheli, Peero Galahi Khaskheli, Uris Khaskheli, Bagh Ali Khaskheli and Muhammad Rahimi Khaskheli and directed me to arrange ransom money, otherwise your brother would be murdered. I narrated such facts to my brothers Aftab Ahmed and Mukhtiar Ahmed, and other relatives, who advised me to go to police station and report the matter. Now I present at police station and report the matter that above

named accused have abducted my brother for ransom and also threatened for his murder. I am complainant and pray for investigation".

It is interalia contended that the F.I.R. is belated by 16 days without plausible explanation, the names of the applicants were disclosed during telephonic conversation by the culprits which is against the normal human conduct. No ransom was paid and there are mere words of complainant that his brother was abducted and he was directed to arrange the ransom amount. Per learned counsel the applicants are innocent and they have nothing to do with the alleged offence and have been implicated in this case due to enmity with the police.

Conversely, Syed Meeral Shah Deputy Prosecutor General opposed the bail application stating therein that the names of the applicants find place in the F.I.R. The abductee was recovered from their clutches during encounter. abductee has also implicated the accused.

Heard learned counsel for the parties and perused the record.

Upon perusal of F.I.R. it appears that the names of the applicants transpire in the F.I.R.; though there is delay in lodging the F.I.R. but looking to the circumstances of the case where life of complainant's brother was in imminent danger at the hands of abductee such delay cannot be treated as a valid ground for bail. Moreover, in presence of secret information police followed the culprits and during encounter recovered abductee from the clutches of the applicants. Besides this a Kalashnikov and 222 rifle were recovered from the applicant Peeru and Urs respectively. The abductee in 161 and 164 Cr.P.C. statements has fully implicated the applicants as his abductor.

For the foregoing reasons we are of the considered view that prima facie case exists against the applicants and they do not deserve concession of bail. Consequently the bail application being meritless is dismissed.

Sd/-AHMED ALI SHAIKH,
JUDGE. 8.10.2020
Sd/-SALMAN HAMID,

CERTIFIED TO BE TRUE COPY

ASSTT. REGISTRAR.

CR.B.A.NO.D-43 OF 2009.

NO. 1818

DT 8/10/20

Certified true copy forwarded to the learned
Special Judge Anti-Terrorism Hyderabad for information and compliance

ASSTT. REGISTRAR.

HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD.

Special Judge Anti-Terrorism
Hyderabad