

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Crl. B. A. No. S- 259 of 2022

Crl. B. A. No. S- 265 of 2022

Date of hearing	Order with signature of Judge.
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For Hearing of Bail Application

1.For orders on office objections

2.For hearing of Bail Application

Mr. Zulfiqar Ali Bhayo, Advocate for the applicants along with applicants in both matters.

Mr. Ghulam Murtaz Korai, Advocate for the complainant.

Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

Date of Hearing: **30.01.2023**

Date of Decision: **30.01.2023**

O R D E R

By means of listed bail applications, applicants Aijaz Ali s/o Sahad Ali Qazi and Liaquat Nawaz s/o Muhammad Nawaz Qazi seek pre-arrest bail in Crime No.64 of 2022, registered at Police Station, Pano Akil, under Sections 365-B, 452, 148, 149 PPC & 3 TIP Act, 2018. Their earlier applications for grant of same relief bearing No.753 and 757 of 2022 respectively were heard and dismissed by learned Additional Sessions Judge-II Sukkur vide common order dated 27.05.2022. The applicants were admitted to interim pre-arrest bail by this Court vide orders dated 01.06.2022 and 02.06.2022 and now the matters are fixed for confirmation of their interim pre-arrest bail or otherwise.

2. Brief facts of the prosecution case are that complainant Ghulam Muhammad lodged FIR on 23.04.2022 alleging therein that Mst. Sabira d/o Abdul Hafeez Korai, aged about 13/14 years is his niece, who is studying in ninth class in Government Higher Secondary School Pano

Akil. She made a complaint to complainant that while she was going to school, three boys, namely, Liaquat Qazi, Aijaz Qazi and Naeem Mangi were pressuring her to keep illicit relations with them; otherwise, they would kidnap her. Complainant made complaint to elders of above named boys and on 31.03.2022, he along with his brother Sanaullah, nephew Waseem, Lutuf and niece Sabira along with other house inmates were present in the house, when at about 7.00 a.m, on the knock of door, complainant opened the door and saw and identified accused Shan, Liaquat Ali, Aijaz Ali, Naeem Ahmed armed with pistols and three unidentified persons whose faces were open, out of them two were armed with pistols and one with Danda and one white color Datsun was parked outside the house. It is further alleged that on the force of weapons, accused persons forcibly dragged Mst. Sabira and abducted her away in the Datsun towards Sadhuja stop. Thereafter complainant along with witnesses approached accused persons and their elders for return of abductee, who kept the complainant on hollow hopes and ultimately refused. Consequently, above FIR was lodged.

3. Heard and record perused.

4. Perusal of record shows that the applicants are nominated in the FIR with specific role of commission of alleged offence. Alleged abductee has yet not been recovered. The matter is under investigation, as the police has not submitted final Challan before the trial Court.

5. From the tentative assessment of the evidence on record, it transpires that the prosecution has sufficient evidence against the applicants to connect them with the commission of alleged offence. Learned counsel for the applicants has not been able to point out any special feature of the case entitling the applicants for grant of extraordinary concession of pre-arrest bail. Pre-requisites for such concession i.e. malice and ulterior motive, either on the part of complainant or police are conspicuously missing in the case. Resultantly, by means of short order dated 30.01.2023, the interim pre-arrest bail earlier granted to the applicants by this Court vide orders dated 01.06.2022 and 02.06.2022 were recalled and the instant Crl. Bail Applications were **dismissed** accordingly.

6. Needless to mention here that the observations made hereinabove are tentative in nature and same shall not influence the trial Court while deciding the case of the applicants on merits.

7. Above are the reasons of my short order, whereby these bail applications were dismissed. ***Office is directed to place a signed copy of this order in captioned connected matter.***

JUDGE