

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-199 of 2023

DATE ORDER WITH SIGNATURE OF JUDGE

10.04.2023

Mr. Karim Bux Rind advocate for applicant.
Mr. Abdul Waheed Bijarani, APG along with SIP Abdul Dahri
PS Khadro.

MUHAMMAD IQBAL KALHORO, J.- complainant in FIR registered on 28.11.2022 has reported an incident of abduction of his wife Mst. Rukhsana from Choonaro Morr Jam Sahab Preetamabad Road Taluka Sinjhoru by three persons travelling in a white colored Mehran car when he and his wife, riding on a motorcycle, were going to Wazirabad for medical treatment. He has named accused Ashique Ali as one of the abductors in FIR. In further statement recorded on 13.12.2022, he has given the name of applicant Muneer Ahmed and co-accused Mukhtar Ahmed stating that these are the two remaining persons, involved in the present case who were not named by him at the time of FIR but subsequently he has come to know of them. Investigating Officer is present submits that still abductee has not been recovered and main accused Ashique Ali is in fact cousin (khalazad bhai) of complainant Ali Gohar for whose hunt, search is going on. Because of non-recovery of abductee still, only interim Challan has been submitted.

2. Learned defense counsel has pleaded for bail which has been opposed by learned Assistant Prosecutor General. The Investigating Officer submits that since applicant is in judicial custody, his custody is no more required for the purpose of further investigation or inquiry.

3. Applicant is not named in FIR. His name was taken by the complainant after more than 15 days of the incident in further statement, but he has not disclosed as to how and from what source he has come to know of the name of applicant. Investigating Officer has admitted that alleged abductee is not or has never remained in the custody of applicant and is with the main accused Ashique Ali who is cousin of the complainant. This whole scenario makes the case against applicant to be of further inquiry and he is entitled to the concession of bail. Accordingly, this application is

allowed and the applicant is granted post arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/ and P.R Bond in the same amount to the satisfaction of learned trial court

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

JUDGE

Ali Haider