

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
 Crl. Bail Application No.S-772 of 2023
 (Syed Hassan Ali Vs. The State)

1. For Orders on office objection.
2. For hearing of Bail Application.

11-12-2023.

Mr. Muhammad Qayyum Arain, advocate for the applicant.
 Mr. Abdul Mujeeb Shaikh advocate for the complainant.
 Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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Irshad Ali Shah, J;- It is alleged that the applicant with rest of the culprits by making trespass in to house of complainant Javed Ahmed caused him lathi and fire shot injuries, when he resisted to abduction of his daughter Mst. Noor Fatima, which actually was abducted by the applicant and others with intention to subject her to rape, for that the present case was registered.

2. The applicant on having been refused bail by learned IInd Additional Sessions Judge, Mirpur Mathelo, has sought for the same from this Court by way of instant Crl. Bail Application u/s 498-A Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant; the FIR of the incident has been lodged with delay of about 08 days and no abduction of Mst. Noor Fatima has actually taken place and the complainant has staged a drama for her abduction only to satisfy his enmity with the applicant and others. By contending so, he sought for pre-arrest bail for the applicant on point of malafide.

4. Learned DPG for the State and learned counsel for the complainant have opposed to grant of pre arrest bail to the applicant by contending that abductee Mst. Noor Fatima has not yet been recovered.

5. Heard arguments and perused the record.

6. The applicant is named in FIR with specific allegation that he with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object by making trespass into house of complainant Javed Ahmed, abducted his daughter Mst. Noor Fatima with intention to subject her to rape and on resistance caused him fire shot and lathi injuries. Mst. Noor Fatima has not yet been recovered. In that situation, it would be premature to say that the applicant being innocent has been involved in this case by the complainant to satisfy his enmity with him. The enmity between the parties may be there, but it may not be reason to involve the applicant in this case falsely at the cost of honour of young and innocent lady. The delay in lodgment of the FIR is well explained in FIR itself; such delay even otherwise could not be resolved by this Court at this stage. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged and no case for grant of pre arrest bail to him is made out on point of further inquiry or malafide.

7. Consequent upon above discussion, the instant bail application is dismissed.

Judge

