

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Bail Application No.S-229 of 2023

Date	Order with signature of Judge
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1. For orders on office objection at flag `A`
2. For hearing of Bail application

Date of hearing: **15.06.2023**

Mr. Naseem Ahmed Bhanbhan Advocate for applicant
Mr. Shafi Muhammad Mahar DPG.

ORDER

Amjad Ali Bohio, J: After the dismissal of his Criminal Bail Application No. 302 of 2023 in Crime No. 148/2022 at Faiz Ganj Police Station, Khairpur, the applicant stands accused of offenses under Sections 365-B, 363, 337-F(i), 337-H(ii), 147, 148, 149 of the Pakistan Penal Code (P.P.C.).

2. The applicant/accused Sono is facing allegations of forcibly kidnapping a minor, Ihsan Ali, along with his wife, Mst. Allah Jiwai, and their minor son, Zuhaib, on the night of December 1, 2022, to December 2, 2022, at 01:30 hours. It is claimed that Sono, along with the co-accused, was armed during the incident. The applicant was arrested on December 6, 2022, in connection with the aforementioned offense, while the remaining seven accused are still at large.

3. The learned counsel representing the applicant has argued that the accused has been in custody for approximately six months and is no longer necessary for further investigation. It is contended that the complainant has maliciously implicated the accused in the aforementioned offense by levelling false allegations. Specifically, the complainant falsely accused the applicant of kidnapping his son, Ihsan Ali. In conclusion, the counsel has requested the court to grant bail to the applicant.

4. Both the learned Deputy Prosecutor General (DPG) and the complainant, Muhammad Paryal, vehemently opposed the bail application. They argued that the applicant/accused, along with ten other culprits, forcefully abducted the complainant's wife and two children. The whereabouts of the abducted individuals are still unknown, and despite the complainant's efforts to seek assistance from various authorities, including filing a Petition under

Section 491 of the Criminal Procedure Code (Cr.P.C.), they have not been recovered.

5. It is evident that the First Information Report (FIR) regarding the aforementioned offense was promptly filed on December 2, 2022. The applicant/accused has been specifically named by the complainant and is alleged to have been armed with a repeater, with a specific role attributed to him in the kidnapping of his son, Ihsan Ali. These allegations, on their face, establish a prima facie connection between the applicant and the commission of the offense under Section 365-B of the Pakistan Penal Code (PPC), which is non-bailable and punishable by life imprisonment. This offense falls within the Prohibitory Clause of Section 497(1) of the Criminal Procedure Code (Cr.P.C), further strengthening the grounds for denying bail. The applicant/accused's previous bail application before the trial court was dismissed.

6. It is important to note that the complainant's wife and both children have yet to be recovered, and the remaining accused are still absconding. Under such circumstances, considering the gravity of the offenses, which carry the possibility of capital punishment, the applicant/accused is not entitled to the concession of bail. Consequently, the current bail application is dismissed.

JUDGE