

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 24 of 2024

Date of hearing	Order with signature of Judge
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Hearing of bail application

1. For orders on office objections at Flag-A
2. For hearing of bail application

11.03.2024

Mr. Basheer Ahmed Malano, Advocate for applicant.
Mr. Ali Asghar K. Panhyar, Advocate for complainant.
Mr. Shafi Muhammad Mahar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Complainant has alleged that on 08.11.2023, when he was taking his wife Mst. Sohni to Ghotki on a rickshaw for her treatment, on the way near Arbab Shah, they were waylaid by a 2.D (Corolla) car, wherein 05 accused including applicant were travelling, who, on show of weapons, abducted his wife for *zinna* and marriage. The FIR, however, was registered on 22.11.2023, after delay of 14 days.

2. The record shows that on 28.11.2023, the alleged abductee held a press conference leveling allegations against her husband of maltreatment as a reason for leaving his house and taking shelter in the Women & Children Protection Cell, Sukkur. She was produced before learned Additional Sessions Judge-V, Sukkur by Women & Children Protection Cell, Sukkur on 30.11.2023, where her statement was recorded alleging that she had left the house because of maltreating of her husband; and that she had apprehension to her life from him. Hence, she was allowed to go to her sister's house, namely Mst. Rani. On 07.12.2023, she was produced before the Judicial Magistrate (Consumer Protection Court), Ghotki for recording her 164 CrPC statement. In the statement, however, she has leveled allegations against the accused named in FIR including the applicant.

3. Citing all these facts, learned Counsel for the applicant has pleaded for bail, rebutted by learned Counsel for the complainant, who has relied

upon the cases of Shah Muhammad alias Baboo and another v. The State (2014 YLR 2417) and Qurban Ali and another v. The State (2014 PLD Sindh 538).

4. Learned Deputy Prosecutor General has, however, conceded to the grant of bail to applicant.

5. I agree with learned Deputy Prosecutor General, as the case of further enquiry is made out. There is inordinate delay of 14 days in registration of FIR, which, *prima facie*, is not explained. The alleged abductee herself appeared before Women & Children Protection Cell, Sukkur and was produced before learned Additional Sessions Judge-V, Sukkur, where she told a different story than the one alleged in the FIR and her 164 CrPC statement, recorded almost more than one month of the incident.

6. Hence, this application is **allowed**, and applicant is **granted** post-arrest bail subject to his furnishing a solvent surety in the sum of Rs.1,00,000/- (Rupees one lac) and PR bond of the same amount to the satisfaction of the trial Court.

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

The bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit