

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 82 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. Imdad Ali Malik, Advocate for applicants along with applicants.
Mr. Shafi Muhammad Mahar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Applicants along with other co-accused are alleged to have kidnapped complainant's wife Mst. Roshnat and daughter Hajra on 27.04.2023 from his house situated in Village Bhai Khan Mahar, Taluka Pano Aqil with bad intention. Complainant, however, registered FIR of the incident after delay of 14 days, which *prima facie* has not been explained.

2. Learned defense Counsel has argued that both alleged abductees had appeared in the Court of Senior Civil Judge (Criminal Division), Okara, Punjab, and were sent to Darul Aman by the order of the said Court on 24.06.2023. Subsequently, alleged abductee Mst. Roshnat filed a Suit for dissolution of marriage on the basis of *khula* being Family Suit No.625/2023, which has been decreed *ex parte* on 26.06.2023. Further, she had also filed an application against harassment by her husband. Referring to all these documents, he has pleaded for confirmation of bail to the applicants.

3. Learned Deputy Prosecutor General submits that in view of documents referred by learned defense Counsel, the case of further enquiry is made out, and more so, the Investigating Officer has not properly conducted investigation in this case and gone to visit aforesaid Court at Okara and record statements of abductees.

4. In view of above facts and circumstances, when certificated true copy of documents of abductees appearing in the Court of Senior Civil Judge at Okara has been placed, the case of further enquiry is made out.

More so, there is a delay of about 14 days in lodging of FIR, which has not been *prima facie* explained. The complainant and applicants are co-villagers; hence, their false implication in this case cannot be ruled out. The application is accordingly **allowed**, and ad-interim pre-arrest bail already granted to applicants vide order dated 12.02.2024 is hereby **confirmed** on the same terms and conditions.

5. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

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

J U D G E

Abdul Basit