

ORDER SHEET  
**THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Criminal Bail Application No.S-302 of 2022.

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| <b>DATE</b> | <b>ORDER WITH SIGNATURE OF JUDGE</b> |
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For orders on office objection.

For hearing of main case.

29.08.2022.

Mr. Aziz Ahmed Laghari advocate for the applicant.

Mr. Imran Ali Abbasi Assistant Prosecutor General.

**ORDER**

MUHAMMAD IQBAL KALHORO, J:- Applicant is called absent and his counsel seeks condonation of his absence. Order accordingly. It is alleged by the complainant that she was abducted by applicant and other accused on show of weapons from her lands situated in Deh Jagu Bhurgari, Taluka Pithoro, District Umerkot in presence of PWs Yaqoob and Muhammad Ali on 06.08.2021 and taken to a house in a car in Hyderabad belonging to co-accused Ali Nawaz Rind where allegedly Jan Muhammad @ Janu Rind committed Zina with her and forced her to file a suit for dissolution of marriage against her husband. She could save herself and escape on 06.10.2021 when Rickshaw in which she was travelling alongwith the accused met an accident and accused were injured.

Learned defence counsel has submitted that there is delay of more than two months in registration of FIR that is not explained plausibly by complainant. Co-accused namely Pir Bux @ Peeru and Jan Muhammad @ Janu who has been assigned main role of committing Zina with applicant have been granted post-arrest bail by learned trial Court, case of the applicant is on better footings and story narrated by complainant in FIR requires further inquiry. There is no medical evidence and DNA report of main accused is in negative. His arguments have been opposed by learned APG.

Admittedly, FIR is delayed for more than two months. No medical evidence is available and the fact that why the PWs in whose presence lady was abducted or her husband did not report the incident to the police is yet to be determined. Therefore,

malafide on the part of complainant cannot be ruled out. More so, the main accused has already been granted bail. In the circumstances, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order 28.03.2022 is hereby confirmed on the same terms and conditions.

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

JUDGE

Irfan Ali