

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.717 of 2025

Date: Order with signature(s) of the Judge(s)

For hearing of bail application.

27.03.2025

Mr. Ghulam Unar, Advocate for the Applicant.
Ms. Seema Zaidi, APG.

Through the present bail application, applicant Najeeb-ur-Rehman son of Abdul Rehman, seeks post-arrest bail in case bearing crime No.29/2024, offence u/s 353, 368, and 34 PPC of P.S. Keenjhar Jheel.

2. As per prosecution case on 07.06.2024, Inspector Nisar Awan, the Investigating Officer of the case bearing crime No.934/2024 of P.S. Sachal East along with subordinate staff reached at P.S. Keenjhar, recorded his arrival entry, took ASI Ali Nawaz and other subordinate staff, reached at house situated in Sunehri Village adjacent to Jheel. At about 2330 hours, firing started. The police party also retaliated firing in defence. Meanwhile, a Vigo car came out from the house and some individuals sitting therein, making firing made their escape good. They entered into the house, found a person. On inquiry, he disclosed his identity as Ghulam Abbas and further that he was abducted by his driver Abdul Jabbar and five others on gun point from Karachi and hostaged in the house by accused Jumman and Usman. He further disclosed, he was abducted by Manzoor Solangi, Mujeeb-ur-Rehman, Sadam Solangi & Shakoor Palejo from Karachi. Consequent upon; case was registered inter-alia on above facts.

3. Learned counsel contends that applicant is innocent and has been maliciously implicated in this case by the complainant due to mala fide intentions and ulterior motives. He further submits that the applicant was previously implicated in case bearing crime No. 936 of 2024 for offences under Sections 365, 395, 342, 201 & 34 PPC of PS Sachal, Karachi. However, during the trial, the prosecution failed to establish the applicant's guilt, and the learned IVth Additional Sessions Judge, Malir, Karachi, acquitted the applicant/accused of all charges through judgment dated

01.03.2025. It is further argued that no specific role has been attributed to the applicant in the commission of the alleged offence, nor was any incriminating article recovered from his possession. The applicant, being an overseas Pakistani, has no nexus with the alleged abductee. Moreover, no private witness has been associated by the complainant regarding the alleged incident, which does not fall within the prohibitory clause of Section 497(i) Cr.P.C. The applicant is presently incarcerated and is no longer required for further investigation. Lastly, the learned counsel prayed for the grant of post-arrest bail.

4. On the other hand, the learned Additional Prosecutor General vehemently opposed the grant of bail.

5. After hearing the learned counsel for the applicant as well as the learned A.P.G and upon perusal of the record, it appears that the only evidence against the present applicant is the introduction of his name by co-accused Juman and Usman. No other incriminating material is available against him. Therefore, implicating the applicant as an accused in this case appears to be in violation of Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984. Furthermore, the applicant's name surfaced during the investigation of Crime No. 936 of 2024, registered at PS Sachal, Karachi, wherein the alleged abductee identified the applicant. Learned counsel has drawn attention of the Court and placed on record judgment dated 01.03.2025 passed by the learned IVth Additional Sessions Judge, Malir, Karachi, in Sessions Case No. 3272 of 2024, wherein, after a full-fledged trial, the accused was acquitted. Notably, the alleged abductee, while recording evidence, stated that his brother had merely presumed that he was abducted for ransom, whereas no such abduction had occurred. He further expressed his unwillingness to proceed with the case and testified that the accused were nominated solely based on the police investigation. In view of the foregoing, the reference to the applicant's name by the co-accused holds no evidentiary value in isolation. Consequently, there is no substantive material available on record to implicate the applicant in the commission of the alleged offence

6. Given the above, I am of the considered opinion that the applicant has successfully established a case for the grant of bail. Consequently, the applicant is admitted to post-arrest bail, subject to furnishing surety in

the sum of Rs.100,000/- (Rupees One Lac) with a P.R. bond in the like amount to the satisfaction of the learned trial Court.

7. It is pertinent to mention that the observations made hereinabove are of a tentative nature and shall not prejudice the learned trial Court while deciding the case of the applicant/accused on merits.

Shahbaz

JUDGE