

*Order Sheet*  
**IN THE HIGH COURT OF SINDH, KARACHI**

Present:-

Mr. Justice Muhammad Iqbal Kalhoro.  
 Mr. Justice Abdul Mobin Lakho.

**Cr. B.A. No.281 of 2022**

Shazaib Javaid & another

**Versus**

The State

**For date of hearing**  
**& order**

: **28.02.2022**

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Mr. Zhid Abbas, advocate for applicant  
 Mr. Muhammad Ibrar Arain, advocate for complainant a/w Abductee and  
 Complainant  
 Mr. Ali Haider Saleem, Addl: PG Sindh a/w IO

**ORDER**

**Muhammad Iqbal Kalhoro, J:-** Complainant reported the matter of abduction of his son namely Moinuddin through FIR No.868/2021, u/s 364-A, 34 PPC to Police Station Mobina Town, Karachi stating that his son was abducted on 09.11.2021 at 01:31 by the unknown accused, who demanded Rs.5 crore as ransom from him. While such negotiations were going on with him, he was released in the morning. Later on, he registered another FIR bearing Crime No.884/2021, u/s 380, 511, 34 PPC at the same police station nominating the present applicants, who are otherwise his neighbours, with the allegations that they tried to break open the main gate of his home.

2. However, the said FIR was subsequently cancelled under 'C' Class. After about one month on 14.12.2021, 164 CrPC statement of abductee was recorded in presence of applicants and other accused, who all meanwhile were arrested in the case. Abductee has taken name of co-accused Taqi and Talha specifically in his statement and other accused present in the Court he has dubbed as facilitators, however, did not specifically implicate the applicants by name.

3. Learned defence counsel has contended that applicants are innocent and have been falsely implicated by the complainant, who is their neighbour; neither their names are mentioned in FIR nor in 161 CrPC statement or 164 statement.

4. Learned counsel for the complainant has however, opposed bail to applicants stating that there is sufficient evidence against them which shows their nexus with the alleged crime. Learned Addl: P.G Sindh has supported his arguments.

5. We have considered contentions of the parties and perused material available on record. In our tentative view, the case against applicants requires further inquiry; for the reason that although applicants are neighbour of the complainant and abductee, but he after his release from abduction did not report them to the police immediately on the same day. Even in his statement 164 CrPC recorded after one month of the incident he has not specifically by name arraigned them in the offence. Further the fact-applicants were made accused by the complainant in subsequent FIR registered u/s 380 PPC and exonerated in the investigation on the basis of lack of evidence-is not ignorable. Applicant Shahzaib Javaid is stated to be student of first year, whereas, applicant Shahzaib is said to be studying in ICMA. There is otherwise no criminal record against them available with the learned Addl: P.G Sindh. In view of such facts and circumstances, we allow this application and grant bail to applicants subject to their furnishing a solvent surety in the sum of Rs.200,000/- each with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

JUDGE

Rafiq/P.A.