

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 829 of 2025

Present:

Justice Zafar Ahmed Rajput

Justice Tasneem Sultana

Applicants : (1) Javed Khan s/o Gulab Khan,
(2) Nawab Khan s/o Doran Khan Pardesi,
(3) Amjad Hussain s/o Yar Muhammad,
through Mr. Shah Imroze Khan, Advocate

Respondent : The State, through Mr. Mumtaz Ali Shah,
Assistant Advocate General, Sindh (APG)
along with Inspector/I.O Muhammad
Javed of AVCC/CIA, Karachi.

Date of hearing : 06.05.2025
Date of order : 06.05.2025

ORDER

ZAFAR AHMED RAJPUT, J. Applicants/accused, (1) Javed Khan s/o Ghulab Khan (2) Nawab Khan s/o Doran Khan Pardesi and (3) Amjad Hussain s/o Yar Muhammad on being unsuccessful in getting post-arrest bail, vide order dated 24.03.2025, passed in Special Case No. 217 of 2024 by the Special Judge, Anti-Terrorism Court No. XIII, Karachi ("**Trial Court**"), through instant application seek the same relief from this Court in Crime/F.I.R. No. 176/2024, registered at P.S. Darakhshan, Karachi, under section 365-A/34, P.P.C., read with section 7 of the Anti-Terrorism Act, 1997 ("**the Act of 1997**") and section 155-C of the Police Order, 2002.

2. Brief facts of the prosecution case are that, on 20.04.2024, complainant, Sharjeel Ahmed lodged the aforesaid F.I.R, alleging therein that, on 12.03.2024, when he came out of Masjid Ali, Khayaban-e-Muhafiz after offering *Tarawih* prayers, he was approached by some individuals in civil dress claiming to be from the Excise & Narcotics Department and

having one car Mark-X of white colour with black glasses, one mobile van of white colour, and 2/3 motorcycles. They handcuffed and blindfolded him and took him to an unknown location in mobile, where they removed his blindfold in a room and subjected him to torture. They also searched his vehicle and found nothing then they demanded a sum of Rs. 200,000/-; he transferred Rs. 50,000/- from his Meezan Bank Account No. 99020105406443 to MCB Account No. 1120977801006630. Thereafter, they again assaulted him, obtained his signatures on blank papers, and later released him. Afterward, he came to know that he had been taken inside the office of Excise & Narcotics Department, situated in barracks in front of Sindh Assembly. Hence, he lodged the F.I.R.

3. Learned counsel for the applicants has contended that the applicants are innocent and have falsely been implicated in this case; that there is a delay of 32 days in lodging the F.I.R., hence, deliberation and consultation for recording of F.I.R. cannot be ruled out; that the complainant did not mention the *huliya* (description) of the accused persons and after their arrest, the I.O. failed to arrange an identification test to corroborate the contents of the F.I.R.; that the prosecution has failed to assign any specific role to the applicants and the main role has been attributed to co-accused Nabeel, who is still absconding, whereas his brother Adeel, who is the alleged beneficiary of the ransom amount, has been made a witness in the charge-sheet by the I.O; hence, the guilt of the applicants requires further inquiry; that co-accused, Sameed Saleem, has already been admitted to post-arrest bail by this Court, vide order dated 12.03.2025, passed in Criminal Bail Application No.562 of 2025, therefore, applicants are also entitled to the concession of bail on the basis of the rule of consistency. In

support of his contentions, learned counsel has relied upon the cases of *Muhammad Nadim vs. The State and another* (2023 SCMR 184), *Nasir Khan vs. Waseel Gul and another* (2011 SCMR 710), *Muhammad Ajmal vs. The State and another* (2022 SCMR 274), *Muhammad Daud and another vs. The State and another* (2008 SCMR 173), *Naeem Qadir Sheikh and another vs. The State and others* (2022 SCMR 2068), *Pir Mazhar-ul-Haq vs. The State* (1992 P Cr. L J 1910), *Naqeebullah and 2 others vs. The State* (2023 YLR 162), *Naseem Mangnejo and another vs. The State* (2023 MLD 1072), *Muhammad Arshad vs. The State and another* (2013 YLR 744) and *Muhammad Akram vs. The State* (2009 SCMR 230).

4. Conversely, learned APG has maintained that the applicants, along with co-accused, in prosecution of their common object, abducted the complainant for ransom; that the rule of consistency is not attracted in the present case, as the role assigned to the applicants is clearly distinct from that of the co-accused Sameed Saleem; that the prosecution has sufficient evidence against the applicants to connect them with the commission of the alleged offence; hence, they are not entitled to the concession of bail.

5. Heard. Record perused.

6. It appears from the perusal of the record that although the names of the applicants do not appear in the F.I.R., yet in the charge-sheet submitted by the police after investigation, the applicants, who are Excise officials, have been assigned a specific role of committing short-term kidnapping of the complainant; confining him in wrongful confinement at the Excise Police Station and demanding from him Rs.200,000/- as ransom for his release. It was thereafter that an amount of Rs.50,000/- was transferred from the account of the complainant to the account of one Adeel, the

brother of co-accused Nabeel. As regards the contention of the learned counsel for the applicants that the applicants are entitled to the grant of post-arrest bail on the rule of consistency, suffice it to say that co-accused Sameed Saleem was admitted to post-arrest bail by this Court vide order dated 12.03.2025, inter alia, on the ground that the allegation against him was that his vehicle Mark-X was used in the commission of the alleged offence, however, the allegation against the present applicants is quite different, as stated above.

7. It may be observed that short-term kidnapping of innocent citizens by police officials for the purpose of extorting money is now-a-days increasing in the society in an uncontrolled way. Such an act is not only unlawful but also undermines the very essence of the rule of law. The law-enforcing agencies are duty-bound not only to maintain law and order but also to safeguard the life, liberty, and property of citizens. If those responsible for enforcing the law are themselves involved in such serious offences, it naturally reduces public trust in these institutions. If this trend continues, it could seriously harm civil rights and the credibility of law enforcement agencies.

8. For the foregoing facts and reasons, *prima facie*, it appears that the prosecution has sufficient evidence against the applicants to connect them with the commission of the alleged offence, which being punishable under section 365-A, PPC read with section 7 of the Act of 1997 with death or imprisonment for life falls within prohibitory clause of section 497, Cr. P.C; therefore, the applicants are not entitled to the concession of post-arrest bail. Every hypothetical question which could be imagined would not

make it a case of further enquiry simply for the reason that it could be answered by the Trial Court subsequently after evaluation of evidence. The case law cited by the learned counsel for the applicants being on distinguishable facts, do not advance the case of the applicants for the grant of bail. Hence, this Criminal bail Application is dismissed, accordingly.

9. Needless to mention here that the observations made hereinabove by this Court are tentative in nature and the same shall not influence the Trial Court while deciding the case of the applicants on merit.

The instant Criminal Bail Application stands disposed of.

Tahseen/PA

JUDGE

JUDGE