

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-112 of 2024

Applicant/ accused: Farooque S/o Yar Muhammad.
Through Mr. Mumtaz Ali Jarwar
Advocate,

Respondent: The State
Through, Mr. Ghulam Abbas Dalwani,
Deputy P.G Sindh

Date of hearing: 27.02.2025.

Date of Order: 27.02.2025.

Criminal Bail Application No.S-113 of 2024

Applicants/ accused: 1. Abdullah S/o Dilawar.
2. Uris S/o Gul Muhammad.
3. Imdad S/o Hussain Bux.
4. Aijaz S/o Hussain Bux.
Through Mr. Mumtaz Ali Jarwar
Advocate,

Respondent: The State
Through, Mr. Ghulam Abbas Dalwani,
Deputy P.G Sindh

Date of hearing: 27.02.2025.

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ORDER

Dr. Syed Fiaz ul Hasan Shah, J: The applicants/accused namely Farooque, Abdullah, Uris, Imdad, Aijaz (hereafter referred as “applicants”), after the dismissal of their consolidated pre-arrest bail application No. 351/2024 & 394/2024 vide single order dated 27-05-2024 by learned Additional Sessions Judge-I, Umerkot, arising from F.I.R. bearing Crime No. 09 of 2024 registered under Sections 452, 365-B, 147, 148, 149, 506(2), 504 PPC at Police Station Ghulam Nabi Shah, have preferred the above bail application.

2. As per the facts of the FIR, accusation against applicants/accused are that on 25.04.2024, they armed with pistols, carrying lathis and hatchets barged into the house of the complainant Mst. Pathani wd/o Dost Muhammad and on the force of arms, forcibly abducted and took away her unmarried daughter/victim Mst Nausheen with intent to rape her or to forcibly marry her. Hence, instant bail application.

3. The learned counsel for the applicants/accused states that the alleged date of incident is 12:00 hours on 25.04.2024 while FIR was registered at 1810 hours and there is considerable delay of 06 hours & 10 minutes in the registration of FIR, which attracts malafide on the part of complainant. He further contended that applicant Abdullah is close relative of complainant and the FIR registered with malafide intention due to grudge on family issue. On the other hand the learned D.P.G opposed the grant of pre-arrest bail and though he conceded the statement of the abductee/victim Nosheen recorded by Court U/S 164 Cr.P.C wherein he has confirmed that she was neither subjected to the Zina or sexual harassment nor the applicants forced to marry with any of the applicant, hence ingredients of Section 365-B PPC, 1860 are not attracted. It appears from the statement of the victim recorded U/S 164 Cr.P.C that victim has voluntarily joined her family without aversion or compulsion. The complainant appeared in morning and stated that the parties have patched up their dispute and during first round she has given no objection for grant of pre-arrest bail.

It is settled law that Court has to form its opinion with regard to grant of concession of pre-arrest bail on the basis of frame work laid down by Honourable Supreme Court and not only on the basis of affidavit of no

objection of the complainant. It appears that two witnesses namely Sikandar and Lakhmira have clearly exonerated the applicant Farooque, while nothing have specifically stated about the remaining applicants/accused. It is also matter of record that the victim has been reached at her home freely without plausible explanation, which creates doubt to a mind of prudent man and her statement that she has neither been subjected to sexual intercourse nor she was forced to marry with any of present applicants makes the prosecution story under shadow of doubt. This led to form tentative opinion that the motive is lacking in the crime and malafide attributed due to grudge between the families. Even it has also been informed by the SHO, who is present in Court that the trial has been concluded and the matter is fixed for Judgment. Keeping in view of above circumstances, I grant the concession of pre-arrest bail to applicants by confirming ad-interim bail granted on 07.06.2024 for the same amount of surety and P.R bond as ordered by this Court on 07.06.2024. The Criminal Bail Application No.112/2024 and 113/2024 are disposed of.

JUDGE