

**HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Cr. Bail Application No.S-17 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection(s).
	2. For hearing of main case.

03.06.2025.

Mr. Imran Khan Khaskheli, Advocate holds brief for Advocate to applicant/accused Mr. Ghulam Shabbir Mari.

Ms. Ramesha Oad, Deputy Prosecutor General a/w Inspector Miandad Rajar from PS Sinjhor.

**O R D E R**

Amjad Ali Sahito, J:- Through the instant Bail Application, applicants/accused namely Zaigum Ali s/o Muhammad Hassan (2) Hyder Ali s/o Muhammad Hussain (3) Abbas Ali s/o Mumtaz Ali are seeking pre-arrest bail in crime No.134/2024 registered at Police Station Sinjhor, for the offence under section 365, 457, 427, 506(2), 109, 34-PPC.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Mr. Imran Khan Khaskheli, Advocate holding brief on behalf of Mr. Ghulam Shabbir Mari, Advocate for applicant/accused states that the latter is out of station and requests for adjournment. Record reflects that the instant Bail Application was presented on 06.01.2025 and on the very first date, an interim pre-arrest bail was granted to applicants/accused and matter was adjourned to 20.01.2025. On 20.01.2025, the applicants/accused were present and matter was adjourned to 27.01.2025. On such date, the matter could not be proceeded and was adjourned to 10.02.2025, whereas the counsel for applicants/accused was called absent and matter was again adjourned to 03.03.2025. On such date, again counsel for applicants/accused

was called absent, therefore, the matter was adjourned to 03.04.2025. On 03.04.2025 applicants/accused were present on bail and Mr. Imran Khan Khaskheli, Advocate was holding brief on behalf of Mr. Mari Advocate for applicants/accused, who requested for adjournment. Such request was allowed and matter was again adjourned to 28.04.2025. On 28.04.2025, counsel for applicants/accused was called absent and matter was adjourned to 20.05.2025, however, applicants/accused were present. On 20.05.2025 counsel for applicants/accused was stated to be out of station and busy before another Bench of this Court, however, junior partner of Mr. Mari was present and requested for adjournment on the ground that his Senior counsel is out of station, therefore, his request was allowed and matter was adjourned for 03.06.2025. Today, counsel holding brief on behalf of Mr. Mari again requests for adjournment on the ground that latter is out of station.

4. From above conduct, the request so made by the learned counsel is declined and learned Prosecutor was directed to proceed with the matter and read over the contents of the FIR. The applicants/accused have claimed their false implication in this matter, however, I.O of the case is present and states that in fact the complainant was wrongfully admitted in House of Hope Sinjhoru (mental hospital) and he has recorded statements of the administration, and as per the administration, he was fit person but the applicants/accused wrongfully admitted him due to property dispute. Learned Prosecutor confirms the contentions and vehemently opposes for confirmation of Bail Application earlier granted to applicants/accused as they had wrongfully admitted the complainant in the mental hospital.

5. From perusal of record, it reflects that the names of the present applicants/accused appear in the FIR with specific role. There was dispute between the parties over the property and in order to declare him as a mental they had admitted the complainant in Institute of Psychiatry at Sinjhoru namely "House of Hope" (mental hospital), where doctors had started the treatment and during treatment, it was found that he is fit and not of mental and subsequently during treatment he was discharged, thereafter, he had filed an application U/s 22A&B Cr.P.C and lodged FIR. From above, it appears that the complainant was allegedly kidnapped by the applicants/accused and got admitted in the mental hospital only to grab

his property as such the ingredients of Section 365 & 457 are very much applicable in this case.

6. It is the well-settled principle of law that at the bail stage only a tentative assessment is to be made. Sufficient material is available on the record which connects the present applicants/accused with the commission of alleged offence. Further, I.O of the present case is present and confirms the status that he has already recorded the statements of Administration of the hospital/institute, who have confirmed that the complainant was not mental, but he was wrongfully admitted in the hospital in order to grab his property.

7. In view of the above facts and circumstances, the applicants/accused have failed to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant Criminal Bail Application is **dismissed** and the interim pre-arrest bail granted earlier to the applicants/accused by this Court vide order dated 06.01.2025 is hereby **recalled**.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Ali.