

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Criminal Bail Application No. S-490 of 2025

Applicant	Gul Hassan son of Juman Bozdar, through Mr. Fidaullah Qureshi, Advocate,
Complainant	Abdul Rauf, through Mr. Ghulam Murtaza Tunio, Advocate.
State	Through Mr. Sardar Ali Solangi, D.P.G.
Date of hearing	06-10-2025
Date of order	06-10-2025

ORDER

Shamsuddin Abbasi, J.- Applicant Gul Hassan seeks post arrest bail in Crime No.29/2025, registered at Police Station Garhi Khairo, district Jacobabad for the offence punishable under Section 364-A and 34 PPC after dismissal of his bail plea by learned I-Additional Sessions Judge/Special/GBV Court, Jacobabad vide order dated 13.08.2025.

2. On 26.05.2025 complainant Abdul Rauf lodged FIR stating therein that on 09.04.2025 at 11.30 am, applicant along with co-accused Abdul Jabbar, Nawaz and an unknown accused abducted baby Sumera, aged about 8/9 years. During investigation she voluntarily appeared before Investigating Officer on 16.6.2025 and after five days she was produced before learned concerned Magistrate, where her statement under section 164 Cr.P.C was recorded. Applicant was arrested on 04.06.2025 and no any incriminating material has been recovered from his possession.

3. Learned counsel for applicant submits that there is matrimonial dispute between parties as complaint party registered FIR No.52/2025 for offence punishable under section 365-B, 34,506/2 PPC 3 TIP Act, 2018 at PS Chambar in respect of abduction of Mst. Raheela of complainant party of this case and such FIR was disposed of in cancel 'C' class on the statement of alleged abductee Mst. Raheela recorded by Magistrate, wherein she expressed that she has contracted marriage by exercising right of her free will and no

case for abduction is made out therefore, I.O recommended said FIR for disposal under cancel 'C' class. In retaliation complainant party of this case had abducted Mst. Khalida of applicant party and such FIR was registered by co-accused Ali Nawaz against complainant party of this case and after usual investigation case was challaned, which is pending trial before competent Court of law. He further submits that this is frivolous FIR registered by complainant alleging that applicant had abducted minor girl baby Sumera 8/9 years of age in order to settle score with complainant party in wake of matrimonial dispute. He also submits that applicant party intends to approach DIG Police Larkana for further investigation of the case and sufficient grounds are available which makes the case of applicant for grant of bail in terms of section 497(2) Cr.P.C.

4. On the other hand learned D.G.P for the state assisted by learned advocate for complainant has opposed for grant of bail on the ground that the applicant is nominated in the FIR, alleged offence comes within the ambit of prohibitory clause of section 497 Cr.P.C, that there is matrimonial dispute between the parties and in wake of such enmity the applicant party abducted baby Sumera aged about 8/9 years, therefore, applicant is not entitled for grant of bail.

5. I have heard learned counsel for applicant, advocate for complainant and learned D.P.G so also perused the material available on the record. It is a matter of record that FIR bearing No.52/2025 of PS Chambar, district Tando Allahyar was registered by complainant party wherein it is alleged that Mst. Raheela was abducted by applicant/accused party and during investigation, Mst. Raheela appeared before learned Magistrate, where her statement under section 164 Cr.P.C was recorded, wherein she categorically denied the allegations leveled by complainant in FIR and she stated that she being sui-juris with her own wishes contracted marriage with co-accused Muhammad Azam and in view of such statement said FIR was disposed of in cancel 'C' class. It has further come on record that the complainant party of this case in retaliation, had abducted Mst. Khalida from applicant side on 15.4.2025 and such F.I.R was registered bearing Crime No. 51/2025 at ps Chamber, District Tando

Allahywar and after usual investigation challan was submitted by I.O before competent Court of law and case is pending trial for adjudication before learned concerned court. Perusal of instant FIR, it appears that alleged incident had taken place on 09.04.2025 whereas FIR was lodged on 26.5.2025 with delay of 47 days but no plausible explanation has been furnished by complainant regarding inordinate delay in lodging of F.I.R. A minor girl aged about 8/9 years surprising succeeded to escape from captivity of accused party from Baluchistan and appeared before I.O on 16.6.2025 and she was produced before Magistrate after five days of recovery i.e. 21.6.2025. From perusal of record, it appears that there are major contradictions in prosecution story and statement of baby Sumera. Sufficient grounds are available on record which make out case for further inquiry in terms of section 497(2) Cr.P.C. Therefore, bail application is allowed. The applicant is admitted on post-arrest bail subject to furnishing his solvent surety in the sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of learned trial court. However, applicant party is at liberty to approach DIGP Larkana for further investigation in accordance with law.

6. The above observations made herein are tentative in nature and would not prejudice the case of either party at the trial.

J U D G E

Irshad Ali M/Steno