

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 691 of 2025

(Muhammad Sultan Arain v. The State)

Date of hearing : **09.10.2025**

Date of decision : **09.10.2025**

Mr. Gul Feroze Kalwar, Advocate along with applicant.
Mr. Riaz Ahmed Ghumro, Advocate for complainant.
Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General.

ORDER

Mahmood A. Khan, J. – Present applicant seeks bail in Crime No.64 of 2025, registered at Police Station Pano Aqil, District Sukkur, under Sections 365-B, 452, 148, 149, PPC, and Section 3 of Prevention of Trafficking in Person Act, 2018, wherein the applicant has been specifically nominated for abduction and in respect of the offences alleged against him along with co-accused while attributing him the main role.

2. Learned Counsel for the applicant contended that a caste fellow of the present applicant had caused freewill marriage with the alleged abductee, and proceedings have been taken place in Punjab, whereby the alleged abductee's petition was entertained for providing her protection based upon the said freewill marriage. He further contended that allegations in 164, Cr.P.C. statement made by the alleged abductee are not in accordance with the FIR, and no allegation against the present applicant has been made. He relies upon the following authorities, contending that case against the present applicant is that of further enquiry:

- *Muhammad Younas and another v. Muhammad Hanif Khan and another* (2014 YLR 1161)
- *Farman Ali v. Fazal Bibi and another* (2015 YLR 1777)
- *Zia Jamli v. The State* (2022 MLD 1078)

3. Learned Counsel for the complainant, however, contended that the present applicant has specifically been named in the FIR as well as 164, Cr.P.C. statement. He relies upon the case reported as **2014 YLR 2417**.

4. Learned DPG contended that the accused has been nominated in the FIR and 164, Cr.P.C. statement; that the findings as to alleged *nikah* have specifically been dealt by the learned trial Court in the bail rejection order, treating the same as the crime against the society.

5. Learned Counsel for the applicant, in rebuttal, contended that 164, Cr.P.C. statement has been recorded voluntarily without being recovered by the IO as to the alleged abductee.

6. Having heard the learned Counsels and gone through the record, I have called upon the learned Counsel for the applicant to show the presence of the alleged abductee in the order passed in the Court at Okara, to which he responded that the petition was filed by the alleged abductee herself. Learned Counsel avoiding the question of recording of the statement by the alleged abductee before the Court could not serve to his benefit. Apparently, the element of abduction, wherein the present applicant has been specifically nominated, no material has been brought up to much credibility as to the freewill marriage alleged otherwise, which has also been kept away from the investigation.

7. In the said circumstances, case of further enquiry is not found available in respect to the applicant; hence, the present bail application stands **dismissed**. However, the learned trial Court is directed to ensure that the trial is attempted to be concluded within a period of two (02) months hereof.

J U D G E

Abdul Basit