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ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
1<sup>st</sup> Crl. Bail Application No. S- 82 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Hearing

18.08.2017

Mr. Nisar Ahmed Ghulam Hyder Abro, Advocate for the applicant.  
Mr. Sardar Ali Shah, APG for the State.

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The applicant is present on bail. For reasons to be recorded later on, the interim bail granted to the applicant vide order dated 11.02.2016 is hereby confirmed on the same terms and conditions.



Judge

Abid H. Qazi/\*\*

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Mr. Sardar Ali Rizvi, D.P.G.

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Omar Sial, J: Applicant Choocho alias Waqar alias Ahmed Bux Soomro has sought pre-arrest bail in crime number 57 of 2015 registered under Sections 365-B and 34 PPC at the Airport Police Station in Jacobabad. His earlier pre-arrest bail application was turned down by the learned 2<sup>nd</sup> Additional Sessions Judge, Jacobabad vide an order dated 28.01.2016.

Brief facts of the prosecution case are that on 12.12.2015 one Mst. Sharman lodged a report at the police station stating therein that on 27.11.2015 she along with her son Nadeem and daughter Rubina was in her house when at about 10:00 a.m. four persons armed with pistols entered the house. She identified three of them as Ashiq Ali, Khamiso and Choocho whereas the fourth she could not identify. The accused persons then took forcibly took away Rubina. The complainant went to register an FIR but the relevant Station Head Officer declined to do so. She then filed an application under Section 22-A and B Cr.P.C. before the learned Sessions Judge/Justice of Peace at Jacobabad on 02.12.2015. On 11.12.2015, the learned Judge ordered that the Station Head Officer of P.S. Airport record her statement and in the event, a cognizable offence is made out register a case. The current FIR was registered.

I have heard the learned counsel for the Applicants as well as the learned APG and have also examined the available record with their able assistance. Earlier, the complainant had appeared in Court and stated that she would not engage a counsel and would rely on the learned APG. My observations are as follows.

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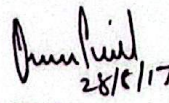


(1) Co-accused Ashiq Ali and alleged abductee Rubina remain untraced to this date. The learned counsel for the Applicant has argued that Mst. Rubina married co-accused Ashiq with her own freewill. He has argued that it is with ulterior motive and malafide that the complainant has involved the accused persons in this case. In support of his contention, he has produced a report dated 11.01.2016 of an enquiry conducted by the Sub-Divisional Police Officer, Jacobabad, in which he has stated that after examining the neighbors of the complainant he had found out that Mst. Rubina had left with co-accused Ashiq Ali to an unknown place and that the present Applicant was nominated in the case, as he is a cousin of the said Ashiq Ali.

(2) Prima facie, it appears to be odd that on 02.12.2015 when the complainant filed her application under Section 22-A and 22-B Cr.P.C. in the Sessions Court Jacobabad, she did not nominate the Applicant as an accused. Instead, she had stated that Ashiq Ali, Eid Mohammad, Khamiso and one unidentified person had come to take away Rubina. In a supplementary statement recorded later, the complainant had stated that the unidentified accused was a man called Baboo. Baboo, too was related to the complainant. Baboo was granted bail by the learned Sessions Judge, Jacobabad vide his order of 28.01.2016. There is no explanation on record as to how the complainant nominated the Applicant in this crime when earlier in the 22-A and 22-B Cr.P.C proceedings, she had not named him.

(3) Keeping the aforesaid observations in mind, ulterior motive on part of the complainant cannot be conclusively ruled out and in the circumstances the case of the Applicant warrants further enquiry.

Above are the reasons for my short order of 18.8.2017 pursuant to which the interim pre-arrest bail granted to the Applicant vide this Court's order of 11.02.2016 was confirmed on the same terms and conditions.

  
28/8/17  
JUDGE

Ansari \*