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ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Crl. Bail Appln. No.S-195 of 2022.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For hearing of bail application.

06.06.2022.

Mr. Muhammad Murad Chachar, advocate for the applicants along with applicants.

Mr. Wakeel Ali Shaikh, advocate for the complainant.

Mr. Ali Anwar Kandhro, Addl. P. G.

ORDER.

This is pre arrest bail application filed by the applicants Nawab, Sajjid and Habib in respect of F.I.R No.22/2022 registered at Police Station Kashmore for offence punishable under sections 365-B, 511, 334, 506/2, 147, 148, 149, PPC.

2. Facts of the prosecution case as enunciated in the F.I.R are that on 19.02.2022, complainant Naziran Chandio, lodged the F.I.R, stating therein that accused Ali Gul party are their relatives who were demanding the hand of her daughter Nazan, but they refused to give the hand of Nazan to them to which they were annoyed and stated that they will see them. On 07.02.2022, morning time at about 07:30 a.m she along with her daughter Nazan were cutting the grass from the land and nearby their uncle Muhammad Yousif s/o Sikandar Ali, brother Mehar Ali s/o Lutuf Ali, were standing at the land. The accused every one Ali Gul s/o Nazar Ali with TT Pistol, Barkat Ali s/o Madad Ali, Nawab s/o Ali Gohar, Sanwan s/o Jamal with lathis, Sher Muhammad s/o Sher Khan with gun, Sajid s/o Ghulam Hyder, Habib s/o Ahmed Ali both empty handed, Abdul Hameed s/o Ahmed Ali with TT Pistol and two unidentified accused with open faces who would be identified if

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seen again came there on black color 125 motorcycle. In the meantime, accused Nawab, Sajjid, Habib took Nazan from her hands dragged her and asked that they demanded the hand of Nazan for Ali Gul, but they refused, hence today they forcibly solemnize the marriage of Nazan with Ali Gul. The uncle Muhammad Yousif and brother Mehar Ali came there, accused left Nazan and took up uncle Muhammad Yousif, pushed him on the ground. Accused Umed Ali with sharp knife dagger blow on his nose, then they all raised cries, accused having weapons aimed upon the complainant party gave hakal to remain silent, else would be murdered. On cries co-villagers were attracted there, seeing them all the accused ran towards eastern side. The two unidentified accused on motorcycle went away towards northern side. Then complainant party noticed that due to injuries blood was oozing from the nose of uncle Muhammad Yousif. Then they arranged the conveyance and took injured went to PS got letter for his treatment but Doctor referred him for Larkana Hospital for further treatment. After getting treatment of injured and M.L.C, complainant appeared at P.S and lodged F.I.R as stated above.

3. Learned counsel for the applicants contends that the present applicants have not been specified roles in the F.I.R which entitle them for bail as only attempt to abduction has been alleged which being not successful on merits call for only half of the punishment. He further states that delay in lodging of the F.I.R 12 days is present which has not been explained and that there are conflicting version in the oral statements and the medical brought on record. He has made reliance upon reported case of *Abdul Ghani Lashari v. The State* (2020 P.Cr.L.J Note 70).

4. Learned counsel for the State, however, states that nomination has been made in the F.I.R by way of specific roles for the

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heinous crime of attempting abduction. It is further contended that apart from the serious nature of the offence the social status of the person intervening is to be considered as the persons who has made an attempt to protect the victim was injured. It is also contended that the victim of the alleged offence of kidnapping has also fully implicated the present applicants. In respect of the delay it is stated that the complainant in the matter were busy in treating the injured person which was their first priority. Learned counsel for the complainant reiterates the element of delay and further states that the heinous crime is present on the part of the applicants, for two specific roles in the two crimes which was fully implicated by the witnesses. He relied upon the reported case of *Shahbaz Ahmed v. The State and another* (2011 P.Cr.L.J 943).

5. Learned counsel for the applicants in rebuttal states that co-accused in the matter by order dated.07.03.2022 have already been granted bail and in the present circumstances, the applicants may be considered accordingly.

6. I have heard learned counsel for the parties and gone through the record.

7. The present applicants had first obtained pre arrest bail from the Court of learned Additional Sessions Judge, Kashmore, by way of Crl. Bail Appln. No.49 of 2022, wherein after obtaining of medical report the order dated.07.03.2022 was passed whereby the persons not found having role in the matter acquired their confirmation of bail whereas the present applicants were not entertained. The elements stressed upon by the learned counsel for the applicants in the matter are liable to be considered by the trial Court in normal course and in the present circumstances this being a pre-arrest bail application specially where the mala fides are limited to the allegation of roping in

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all other members of family are found not liable to be detained as the relief already stands granted. The specific role having been attributed, the connection of the present applicants in the matter is liable to be determined on merits and not by way of pre arrest bail application, for which the required element/s is are liable to be shown qualifying to the said concession. In the present case said qualification is not found acquired by the applicants and as such the bail application for the applicants stand rejected accordingly.


Judge