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ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Crl. Bail Application No. D- 02 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Hearing of Bail application

1. For orders on office objection 'A'
2. For Hearing of Bail Application

26.02.2019

Mr. Shahbaz Ali M. Brohi, Advocate for the applicant.
Mr. Aitbar Ali Bullo, D.P.G for the State.

Applicant Rameez Ahmed seek his release on post arrest bail in Crime No.76 of 2011 Police Station Jaggan @ Hamayoon for an offence under section 365/A, 342, PPC read with Article 17/3 Offences Against Property (Enforcement of Hadood) Ordinance, 1979.

2. After registration of case investigation was carried out and after completion of the same the case was challaned before the competent Court of law having jurisdiction which is now pending for trial where the co-accused Abdul Hameed was tried and subsequently was convicted and sentenced to life vide judgment of the trial Court dated 13.12.2014. Latter co-accused Muhammad Shahban and Abdul Hameed preferred their appeal before this Court and were acquitted by this Court vide judgment dated 27.02.2018 while the impugned judgment dated 13.12.2014 was set aside. Subsequently, co-accused Saleem Khoso was arrested and after full dressed trial he was acquitted of the charges by the trial Court vide judgment of the trial Court dated 05.6.2017. On 27.11.2018 the applicant Rameez was captured by the complainant party themselves and was produced before the police vide memo dated 27.11.2018 and latter he was produced before the trial Court

with supplementary challan where the case is now pending for trial against him.

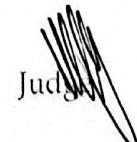
3. Learned counsel for the applicant submits that co-accused who were nominated in the F.I.R have been acquitted by the trial Court as well as by this Court. Learned counsel submits that F.I.R was lodged on 16.11.2017 where the applicant was not nominated however on 11.01.2017 after about six years he got recorded his further statement whereby he named the applicant. He further submits that further statement has got no evidentiary value in the eyes of law besides the co-accused who were named in the F.I.R have already been acquitted by the trial Court as well as by this Court. Hence as per rule of consistency the applicant also deserve to be enlarged on bail. In support of his contention he has placed reliance on the case of Abid Ali alias Ali v. The State 2011 SCMR 161.

4. On the other hand, learned D.P.G appearing for the State opposes the bail application on the ground that though the applicant is not named in the F.I.R yet was introduced by the complainant in his further statement. Besides the offence with which he stands charged is heinous therefore he does not deserve any leniency in the shape of concession to be released on bail.

5. We have heard learned counsel for the applicant as well as learned D.P.G for the State and have gone through the material available before us on record. Admittedly, name of the applicant does not find place in the F.I.R even no role is assigned to unknown culprits. Moreover, the alleged abductee has been released after an encounter with police and even the police had not shown the applicant to the participants of their alleged encounter at the time of release of the abductees through alleged encounter. No ransom has been

alleged that was paid to him or the co-accused even nothing incriminating belonging to the complainant have been shown to have been recovered from his possession or were produced by him before the police during interrogation. As far as his implication through further statement is concerned, the further statement is a weakest type of evidence and it has got no evidentiary value in the eyes of law. Co-accused who were nominated in the F.I.R have been acquitted by the trial Court and complainant or the prosecution have not challenged their acquittal before any forum. In the circumstances we are of the considered view that the case against the applicant requires further enquiry within the ambit of subsection 2 of Section 497, Cr.P.C. Consequently, instant bail application is allowed. The applicant shall be released on bail on furnishing his solvent surety in the sum of Rs.200,000/- with P.R bond in the like amount to the satisfaction of the trial

Court.


Judge
Judge