

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-1258 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: (1).Imtiaz Ali S/O Dadan Khan Sahito
(2).Nadir Ali S/O Talib Hussain Sahito
Through Mr. Fida Hussain Sahito Advocate.

The State: Through **Mr. Shafi Muhammad Mahar**, D.PG.

Complainant: Asghar Ali S/O Ashique Hussain Arain,
Through **Mr. Khan Muhammad Sangi Advocate**

Date of hearing & order: **20.10.2026.**

Suresh Kumar J:- Through instant Criminal Bail Application the applicants/accused Imtiaz Hussain and Nadir Ali, seek post arrest in Crime No.149 /2024 for an offence Punishable U/S 364 PPC registered at Police station Ranipur District Khairpur.

2. The facts of the prosecution, as depicted in the FIR, are as follows: On 11.11.2024, the complainant, Asghar Ali Arain, lodged an FIR stating that on 28.10.2024, he, along with Umar Hayat, Sabir Hussain, and Mustafa, were returning to their house on separate motorcycles. During this time, his brother Sabir Hussain received a phone call and proceeded towards the village of Bhellar on the National Way. Subsequently, his mobile phone powered off, and they observed two unknown culprits taking his brother away, prompting them to raise cries for help. Following this incident, he reported to the Police Station Ranipur, where he lodged the FIR.

3. The applicants/accused Nadir Ali and Imtiaz Ali initially approached for grant of post-arrest bail separately, which were dismissed by learned Addl. Sessions Judge-IV, Khairpur vide order dated 02.12.2025 & 11.12.2025,respectively. Being aggrieved by this dismissal order, the applicant/accused has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh assisted by the learned counsel for complainant. Learned D.P.G and learned counsel for complainant have strongly opposed the grant of bail to the applicants/accused.

5. Having given due consideration to the arguments advanced by the parties' counsel and having perused the material available on record, it is revealed from the perusal of the FIR that two unknown culprits allegedly abducted Sabir Hussain, the brother of the complainant, with the intention of committing his murder. The record further indicates that the applicant/accused was initially nominated based on the statement of co-applicant/accused Nadir Ali. Subsequently, a supplementary statement of the complainant was recorded after nine months of the FIR, in which the complainant stated that he did not know that the present applicant/accused was involved in the abduction and murder of the deceased. Learned counsel for the applicants/accused has contended that the complainant is an accused in FIR No. 208/2023 lodged by applicant/accused Imtiaz Ali, while applicant/accused Nadir Ali is a mashir in the above case; therefore, both have been falsely implicated in the present case. The learned DPG has failed to point out any incriminating material collected by the investigating officer, except for the statement of applicant/accused Nadir Ali before the police, which is not admissible in view of Article 38 of Qanun-e-Shahadat and further statement of the complainant which was recorded after nine months; therefore, the case against the applicants/accused falls within the ambit of further inquiry. The Honourable Supreme Court held in the case of **Moulana Abdul Aziz v. The State (2009 SCMR 1210)** that where an accused is implicated through a supplementary statement, the matter squarely falls within the ambit of Section 497(2) Cr.P.C as a case warranting further inquiry, which justifies the grant of bail. Further reliance is placed upon the cases of **Ikram v. Raja Naveed Sabir (2012 SCMR 1273)**, **Muhammad Naeem Hassan v. The State (2022 SCMR 523)**, and **(2008 SCMR 1556)**.

6. Moreover, the applicants/accused have been in custody for 14 months, and no progress has been made in the trial. The applicants/accused cannot be kept in custody for an indefinite period without any trial.

7. For the foregoing reasons and in light of the guidance taken from the case law cited above, I am of the considered view that the applicants/accused have made out a case for the grant of bail after arrest. Therefore, they are admitted to bail, subject to furnishing solvent surety in the sum of Rs. 200,000/- each and a personal recognizance bond in the like amount to the satisfaction of the learned trial court.

8. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

JUDGE

Hizbullah/PA.

