

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**
Cr. B.A. No.S-806 of 2015.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on office objection.
2. For hearing.

30.09.2015.

Mr. Abdul Majeed Magsi, Advocate for the applicant.

Mr. Shahid Ahmed Shaikh, A.P.G.

Complainant is present in Court.
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Mr. Mazhar Ali Laghari Advocate files Vakalatnama on behalf of the complainant, which is taken on record.

Through the instant application, the applicant seeks post-arrest bail in Crime No.57 of 2015, registered with Police Station Tando Muhammad Khan, under section 365-B, 511 and 34 P.P.C. on the ground that the complainant has sworn affidavit of no objection to the grant of bail in favour of the applicant. The complainant is present in Court. He has named the accused in the F.I.R. The abductee was his real niece. The very fact that the affidavit of no objection to the grant of bail has been sworn by the complainant amounts to exonerating the accused from the charge. It also amounts to retracting from the contents of the F.I.R. and once the contents of the F.I.R. are shattered the door would be open for all the accused persons to take benefit of doubt at the trial or even at bail stage. The accused has been named in the F.I.R. by complainant in a most heinous crime of abduction of his real niece aged about 17 years. Such affidavit sworn by the complainant in favour of the accused at this stage cannot be considered as a case of freewill and if it is so, it is the most shameful act of the complainant that he is ready to exonerate the accused in a crime of abduction of his real niece, knowingly. The Legislature has declared the offence under section 365-B PPC is non-compoundable.

I have gone through the contents of the F.I.R, in which accused was arrested on the spot and abductee was in his car, he attempted to run away and

got injured. Even abductee in the F.I.R. has identified the accused. English translation of the relevant part of the F.I.R. is reproduced below:-

“ Muhammad Ameen Thaheem was apprehended he received some injuries on his head during resistance and they got set free to Kiran. She disclosed to complainant that when she left her house and she was coming towards complainant's house there in street all these three persons (accused) forcibly abducted and put her in the car meanwhile you had come and set me free. Thereafter, complainant sent Kiran to home alongwith Shakeel and brought accused Muhammad Ameen alongwith vehicle at PS.”

The learned counsel for the accused/applicant is not pressing the bail application, in view of the fact that I was trying to dig out the real reasons for swearing affidavit in favour of the accused by the complainant.

Be that as it may, the bail application is dismissed as not pressed and the trial Court is hereby directed to keep an eye on the behavior and conduct of the complainant whenever he appears in the witness box and if the accused are acquitted of the charge due to lack evidence of the complainant party or otherwise, an F.I.R. should be lodged against the complainant for an offence under section 182 P.P.C. Copy of this order should be kept in the file of main case in the trial Court and on each and every date of hearing attention of Court should be drawn towards this order on the diary sheet of the trial Court. The charge has been framed, therefore, the trial of the case should be completed within three months from the receipt of this order. The trial Court is directed to file progress report on monthly basis and in case trial is not concluded in three months the progress report should also pinpoint the defaulting party in causing the delay.

JUDGE

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