

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1215 of 2025

Applicant : Rabi Khan, through Mr. Moiz Haidery, Advocate
Respondent : The State
Through Mr. Qamaruddin, Deputy Prosecutor
General, Sindh along with SIP Izzat Khan
and ASI Hidayat Ali PS Korangi Industrial
Area.
Date of hearing : 04.06.2025
Date of order : 04.06.2025

ORDER

MUHAMMAD HASAN (AKBER), J. – Through this Bail Application under section 498 Cr.P.C., the applicant Rabi Khan seeks pre-arrest bail in FIR No.415 of 2025 under Sections 469-A, PPC registered at P.S. KIA, after his pre-arrest bail plea was declined by learned Additional Sessions Judge-VII / GBV Model Court Karachi East vide order dated 10.05.2025

2. It has been alleged in the FIR that on 11.04.2025, the complainant's wife Hina aged about 20 years and his son Muhammad Sadiq aged 02 years went missing. Upon inquiry it transpired that one person namely Azan bearing cell No.03151177209 was in contact with his wife and enticed her, hence the FIR was lodged.

3. Learned counsel for the applicant argued that the present applicant has no concern with the alleged incident; he was not been nominated in the FIR and it was only later during investigation that he was roped in; that there is no eyewitness of the alleged incident; no private witnesses have supported the complainant's version; that the applicant is not a previous convict and no useful purposes would be served if he is arrested and he is ready to furnish solvent surety to the satisfaction of the Court.

4. The Investigation Officer ASI Hidayat Ali from Police Station Korangi Industrial Area (KIA) District Korangi Karachi has files Compliance Report and based thereon, the learned Deputy Prosecutor General Sindh vehemently opposed the application.

5. Heard arguments and perused the record.

6. In the application for bail, it has been claimed by the applicant that he has no connection whatsoever with the wife of the complainant, however in the Compliance Report, the Investigation Officer has stated therein that during course of investigation, Call Data Report (CDR) of the cell number of the applicant 03151177209 was obtained from 15.3.2025 to 13.04.2025, which clearly reflects that the said accused Rabi Khan was in regular touch with the wife of the complainant Mst. Hina, on her cell number was 03141386232. Along with the Report, complete photocopy set of the call data report was annexed which clearly refers multiple calls and contact between the missing wife of the complainant and the present applicant accused. Even did courses of hearing, when the applicant was shown the CDR report, the applicant had no satisfactory response. From the above material, direct involvement and connection of the applicant/accused with the alleged crime and the missing wife of the complainant is made out and therefore, the applicant would be required for the purposes of further investigation. Material collected by the prosecution therefore *prima facie* connects the accused with the alleged offence. No personal enmity, *mala fide* or ulterior motive could be spelled out from the above, more so when both the parties state that they do not even know each other and no occasion of ill will by the prosecution against the applicant has come on record. In the case of '*Mst. Shameem Akhter v. The State*'¹ bail to even a female accused was declined due to her direct role and involvement in the offence of enticing the wife of the complainant. Other cases wherein bail was denied to applicants having direct role in the offence under section 496-A P.P.C. are, '*Mukhtiar Ali and others v. The State*'², '*Muhammad Naseer v. The State and another*'³, '*Safdar Ali v. The State*'⁴, '*Muhammad Rafique alias Shahbaz and another v. The State*'⁵.

1. 2010 P.Cr.L.J. 135
2. 2018 YLR 1743
3. 2017 YLR 902
4. 2011 P.Cr.L.J. 765
5. 2009 YLR 1528

6. In view of the above, no case for entitlement of concession of pre-arrest bail is made out, hence the Order dated 13.05.2025 granting ad-interim pre-arrest bail to the applicant is hereby recalled and the application for grant of pre-arrest bail to the applicant is rejected.

J U D G E