

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

**Cr. Bail Appln. No. S – 223 of 2020**

Date	Order with Signature of Honourable Judge
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**For hearing of bail application**

**17.08.2020**

Mr. Nusrat Hussain J. Memon Advocate for the applicant/accused  
Mr. Aftab Ahmed Shar, Additional PG for State

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**AFTAB AHMED GORAR, J:** Through instant Criminal Bail Application, the applicant/accused Pervez S/o Faiz Muhammad Solangi seeks post-arrest bail in Crime No.43 of 2019 registered at Police Station, Bhiria City for offences punishable under Sections 365-B, 34 PPC.

2. Learned counsel for the applicant/accused contended that the case is false and the applicant/accused has been falsely implicated by the complainant in this case; there is inordinate and unexplained delay of 06 days in lodgment of the FIR, such delay could not be overruled; that all the P.Ws are related, interse, hence they are set up witnesses and there is no independent eyewitness of the incident; that the allegations of abduction are false, whereas, prior to lodgment of the FIR, the alleged abductee Mst. Moomal and the applicant have entered into lawful marriage, despite having knowledge the complainant lodged the present FIR just to drag the applicant and his relatives in false criminal case; that the alleged abductee Mst. Moomal and present applicant filed C.P No.D-1032/2019 seeking quashment of the present FIR; therefore, in such circumstances the guilt of the applicant/accused requires further inquiry and he is entitled for the concession of bail. In support of his contentions, he has relied upon the cases of ***Hazrat Amin vs. The State (2020 SCMR 418)*** and ***Rana Muhammad Javed Iqbal vs. The State***

**(2018 Y L R 207)** so also an order dated 29.04.2019 passed by this Court in Criminal Bail Application Nos. S- 512 and 665 of 2018.

3. Learned Additional PG has opposed for grant of bail to the applicant/accused by stating that the present applicant has forcibly abducted and contracted marriage with her and such fact has been stated by the alleged abductee Mst. Moomal in her 164 Cr.P.C statement; that the alleged offence falls within the prohibitory clause of Section 497 Cr.P.C, therefore, the applicant/accused is not entitled for grant of bail.

4. I have heard the learned counsel for the applicant/accused as well as learned Additional PG for the State and perused the record. As per the contents of FIR there is allegation against the applicant/accused that he has abducted Mst. Moomal and forcibly contracted marriage with her. In this regard, the learned counsel for the applicant/accused has placed on record certified copy of memo of Constitutional Petition No.D-1032/2019 filed by the alleged abductee along with the present applicant/accused before this Court seeking quashment of the present FIR being false one. The *nikahnama* between the abductee and the present applicant is also available on record; that on 05.09.2019 the alleged abductee Mst. Moomal also voluntarily appeared before 2<sup>nd</sup> Civil Judge and Judicial Magistrate, Bhriai and stated that she has not been abducted by any one, but she has contracted marriage with Pervez Solangi (the present applicant); that there is delay of 06 days in lodgment of the FIR, which has not been properly well explained by the complainant; hence the guilt of the applicant/accused requires further inquiry as such he has made-out a good case for grant of bail. Accordingly, the applicant/accused is admitted to post-arrest bail subject to furnishing solvent surety in the sum of **Rs.50000/- (Fifty thousand)** and PR bond in the like amount to the satisfaction of trial Court.

Judge