

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail. Appln. No.S- 363 of 2020

Date	Order with Signature of Hon'ble Judge
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For hearing of bail application

14.01.2021

Mr. Ali Murad Malano Advocate along with Applicant
Mr. Khalil Ahmed Maitlo, DPG for the State

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Aftab Ahmed Gorar, J:- Through instant Criminal Bail Application, the applicant/accused Gulzar Ahmed alias PC Gulzar S/o Dullan Manganhar, is seeking pre-arrest bail in case / crime arising out of FIR No.204 of 2019 registered at Police Station 'A' Section Ghotki for offence punishable under Sections 367-A, 377, 292, 382, 506/2, 504, 337-A(i), 337-F(i) PPC.

2. The facts of the prosecution case are that on 03.09.20219 at 1430 hours, complainant Wali Muhammad Rajput lodged his FIR at Police Station 'A' Section Ghotki, stating therein that his son Aqib Ali aged 19/20 years used to run his Grocery shop in Qadirpur, from sometime who used to remain confused, but did not disclose the reason of his confusion to his family, consequently on 21.08.2019 in the evening time, he (complainant) being father enquired the reason from him, as such in presence of the family members the victim disclosed that one year ago at 12:00 Noon, accused PC-Ahsan Mahar, PC-Riaz Mahar and PC-Gulzar Manganhar, took him to Police Post at Qadirpur, victimized and forcibly committed constant sodomy with him and recorded his naked video, thereafter from time to

time they used to blackmail, commit sodomy and extort money from him; accused Gulzar Manganhar snatched one Samsung Mobile set and on refusal, issued threats that his (victim's) father would be murdered in fake encounter and the video recorded earlier will be viral on Internet and at present the accused have also demanded cash of Rs.100000.00 (One Lac), which cannot arrange, that is the cause of his confusion. The complainant encouraged his victim son and for safety sent him to Karachi on 22.08.2019. It is further alleged in the FIR that on 28.08.2019 at about 2:00 / 3:00 pm, the complainant was available at Qadirpur Stop, where the present applicant along with an unidentified policeman came and hurled abuses and caused Rifle Butt blow on his Eye, head and other parts of body and disclosed that why he has sent his son to Karachi, however, witness Farman Ali, Shoaib and other villagers intervened and rescued him, due to fear, the daughters of the complainant are not going to School. Consequently, the FIR of the complainant was lodged as stated above.

3. It is contended by learned counsel that the applicant/accused is innocent and has been falsely implicated by the complainant in the instant case; that there is delay of about one year in lodgment of the FIR, for which no plausible explanation has been furnished by the complainant; that there is no eyewitness of the incident; that the co-accused Ihsan and Riaz Ali have been granted bail by this Court and the case of the present applicant/accused is on the same footings, therefore, the applicant/accused is also deserving the same concession. He lastly

contended that the interim pre-arrest granted to the applicant/accused may be confirmed on same terms and conditions.

4. Learned DPG for the State vehemently opposed for grant of bail to the applicant/accused by contending that sufficient incriminating material is available against the applicant/accused, therefore, he is not entitled to the grant of extra-ordinary concession of pre-arrest bail.

5. I have heard the learned counsel for the applicant/accused and learned DPG for the State. Admittedly, as per FIR the present applicant/accused being a police constable along with his accomplices first apprehended the son of the complainant namely Aqib aged about 19/20 years and kept him under wrongful confinement at Police Post Qadirpur, thereafter maltreated and subjected him to constant sodomy, recorded his naked video and then released him, also extorted money by blackmailing the victim so also snatched one mobile set of Samsung from him. It is further alleged in the FIR that the victim boy used to remain under confusion, whereas, on query by his father (complainant) he disclosed the facts that after the first incident the present applicant/accused along with co-accused is continuously demanding Rs.100000.00 which cannot be arranged by him, hence the complainant finding his victim son insecure, sent him to Karachi, which created anger to the applicant/accused, resultantly on 28.08.2019 the present applicant/accused abused and then caused Rifle butt blows to the father of victim namely Wali Muhammad (complainant) and due to such scarcity, the daughters of the complainant are not going to school. The present applicant/accused and his accomplices

being the police personnel are duty bound to provide protection to the respectable citizens, but he has acted contrary to his duties, which has created a fearful atmosphere in the area. If such criminal acts of the police personnel are encouraged then survival of a common man is very difficult. In these circumstances, the applicant/accused has failed to make-out a case for grant of pre-arrest bail. Consequently, the interim pre-arrest bail granted to applicant dated 06.07.2020 is recalled and the instant Criminal Bail Application is dismissed. The applicant/accused Gulzar Ahmed alias PC-Gulzar, who is present is taken into custody and remanded to Central Prison-I Sukkur with direction that he shall be produced before the trial Court on each and every date of hearing in the aforesaid crime. Copy of this order be sent to learned trial Court for information.

Judge

ARBROHI