

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S- 887 of 2023

( *Dil Murad Vs. The State* )

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1. For Orders on office objection.
2. For hearing of Bail Application

**22-01-2024.**

Mr. Imam Bux Mahar, Advocate a/w applicant.  
Mr. Shafi Muhammad Mahar, DPG for the State.  
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It is alleged that the applicant with rest of the culprits abducted Mst. Kaneezan to get her marry with someone else against her wishes or to subject her to zina for that the present case was registered.

The applicant on having been refused pre-arrest bail by learned Additional Sessions Judge, Mirwah has sought for the same from this Court by way of instant bail application u/s 498-A, Cr.P.C.

It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party; FIR of the incident has been lodged with delay of about 23 days and Mst. Kaneezan had left house of her parents to marry co-accused Jan Muhammad alias Janoo and now has married with him. By contending so, he sought for pre-arrest bail for the applicant, which is not opposed by learned DPG for the State by contending that co-accused Muneer Hussain with utmost similar role has already admitted to pre-arrest bail by this Court.

Heard arguments and perused record.

The FIR of the incident has been lodged with delay of about 23 days such delay having not been explained plausibly could not be overlooked; it is reflecting consultation and deliberation. As per FIR,

Mst. Kaneezan was dragged out by co-accused Jan Muhammad alias Janoo to marry her and she now has married with him. By doing so, she has also sought quashment of very FIR by approaching this Court. In that situation, the involvement of the applicant in commission of incident on the basis of vicarious liability is calling for its determination at trial. Obviously a case for grant of pre-arrest bail on point of further inquiry and malafide is made out in favour of the applicant.

In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

Instant Bail Application is disposed of accordingly.

Judge

Nasim/P.A