

**HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Cr. Bail Application No.S-206 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection(s).
	2. For hearing of main case.

19.06.2025.

Mr. Sagar Ali Sathio, Advocate for applicants/accused.

Mr. Muhammad Ali Rind, Advocate for complainant.

Mr. Irfan Ali Talpur, Deputy Prosecutor General for the State a/w ASI Basham Khan from PS Tando Ghulam Hyder.

ORDER

Amjad Ali Sahito, J:- Through the instant Bail Application, applicants/accused namely Abdul Hussain @ Adlo, Qadir Bux @ Badal, Naseer Khan & Qabool are seeking pre-arrest bail in crime No.16/2025 registered at Police Station Tando Ghulam Hyder, for the offences under Section 324, 452, 337H(ii), 337F(i), 365, 511-PPC. Earlier their pre-arrest bail plea was declined by the learned Additional Sessions Judge-I, Tando Muhammad Khan vide order dated 28.02.2025 and their interim relief was recalled.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. The learned Counsel for the applicants/accused argued that the applicants/accused are innocent and they have falsely been implicated in this case. He has further contended that there is delay in lodgment of FIR, for which no plausible explanation has been submitted. He further submits that the complainant himself admitted in the FIR regarding earlier dispute

over free will marriage, and the complainant has lodged this false FIR just to take revenge. He lastly prayed for confirmation of bail earlier granted to applicants/accused.

4. Conversely, the learned Counsel for complainant as well as learned Prosecutor General strongly opposed for confirmation of bail and contended that the applicants/accused are specifically nominated in the FIR that on the day of incident they forcibly entered into the house of complainant and kidnapped the sister of complainant, and thus, their bail application may be dismissed and interim order earlier granted to them may also be recalled.

5. Arguments heard. Record perused.

6. A perusal of the record reveals that the complainant has alleged in the FIR that on 12.02.2025, he was at home sleeping with his family members, and the lights were switched on. At approximately 11:30 PM, they were awakened by a knock at the door and saw that all the accused persons, namely Abdul Hussain @ Adlo, Naseer, Qadir Bux @ Badal & Qabool on the force of weapons entered into the house and tried to kidnap Mst. Kausar. He further alleged that during such incident witnesses had also received injuries on their different parts of body. The record further reflects that subsequently on 11.06.2025 statement of Mst. Kausar was recorded before learned Incharge Sessions Judge, Badin wherein she had stated as under;

“I have contracted the marriage with Abdul Hussain on 7.7.2018. After the marriage I am residing with him. I have three children namely Faheem aged 6 years, Baby Asfa aged 4 years, Zaheen aged 16 months. On 7.2.2025, I left the house of my husband and went to the house of my brothers. My brothers Muhammad Azhar, Nisar Ahmed restrained me not to go to the house of my husband. On 10.6.2025 at 10-0 AM, I along with my children came at police station Matli where the police provided me protection and today the police produced me before this Court. I want to go with my husband Abdul Hussain.”

7. Mst. Kausar is also present in the Court and she has stated that in fact she had contracted marriage with Abdul Hussain @ Adlo

(applicant/accused No.1) and neither she was kidnapped nor any such incident had taken place. Since, Mst. Kausar has not implicated the present applicants/accused, therefore, the case of the applicants/accused falls within the ambit of further inquiry. It is a well-settled principle of law that at the bail stage, only a tentative assessment of the material on record is required. Applicants have pleaded malafide on the part of the complainant that due to enmity they have been involved in this case.

8. In view of above, the learned counsel for the applicants has made out a case for further enquiry in terms of subsection (2) of Section 497, Cr.P.C. Consequently, instant bail application is allowed. The interim pre-arrest bail granted to the applicants/accused by this Court vide order dated 05.03.2025 is hereby **confirmed** on the same terms and condition. The applicants/accused are directed to attend the Trial Court regularly. If the applicants/accused fail to appear before it, the Trial Court would be at liberty to take action against them in accordance with law.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Ali.