

Mr. Ashique Hussain Kalhoro, Advocate for applicant.
Mr. Sardar Ali Rizvi, D.P.G.

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Omar Sial, J: The Applicant Meenhoon Lanjwani Jat has sought post arrest bail in Crime No.09/2002 registered under Section 11/16 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 and Sections 148 & 149 P.P.C at Police Station Garhi Khairo. Earlier, the Applicant's bail application was declined by the learned Sessions Judge, Jacobabad on 26.02.2017.

Brief facts of the case are that on 02.03.2002 complainant Habibullah Lanjwani lodged a report at the Garhi Khero Police Station that his daughter Shahnul married one Yousuf Ali Lanjwani a year ago. Yousuf died but Shahnul continued to live in her deceased husband's home where the Applicant, who was a relative of Yousuf, also lived. Shanul and the Applicant developed a relationship which annoyed the complainant who told the Applicant to not live there. On 27.02.2002, the complainant along with his cousins Malhan and Jamal were at Shahnul's home when a white colored jeep came to the house. 6 persons disembarked from the jeep who the complainant identified as the Applicant, Wahab, Saddar, Salleh, Karmoon, and Attur, all by caste Lanjwani. The intruders were armed, the Applicant held Shahnul's arm and seated her in the car; all the accused then forcibly took her away. Pursuant to the complainant's report, the present FIR was registered.

I have heard the learned counsel for the Applicant as well as the learned APG and examined the record with their able assistance. I have also heard the complainant in person as well as Ms. Shahnul. My observations are as follows.

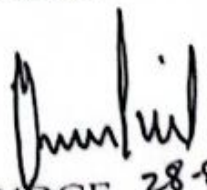
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At the very outset, the complainant and Shahnul both stated that the Applicant was not the person who had taken Shahnul away. Shahnul herself stated that the Applicant had never kidnapped her nor forcibly taken her anywhere. Both, the complainant and Shahnul had on 26.07.2017 also filed affidavits in the trial court exonerating the Applicant. The complainant stated in Court that he never nominated the said accused in his report and that the FIR was not read over to him and that that names of the accused have been included in the FIR by the police themselves. Shahnul stated the same. In these circumstances, malafide on part of the police cannot be conclusively ruled out.

In view of the above circumstances, the case of the Applicant warrants further enquiry and falls within the ambit of section 497 (2) Cr.P.C.

Accordingly, instant bail application stood allowed vide short order dated 15.08.2017, whereby the applicant was admitted to bail upon his furnishing solvent surety in the sum of Rs.50,000/- (Fifty thousand rupees) with a P.R bond in the like amount to the satisfaction of trial Court and these are the reasons for the short order.

  
JUDGE 28-8-17

Ansari/\*