

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No. S-751 of 2025

Applicants : 1. Muneer Ahmed @ Muneer s/o Soomar
2. Wazeer Ahmed @ Wazeer s/o Soomar
both by caste Shar
Through Mr. Shabbir Ali Bozdar, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Dated of Hearing : 10.11.2025
Dated of order : 10.11.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— The applicants, Muneer Ahmed @ Muneer and Wazeer Ahmed @ Wazeer, seek pre-arrest bail in a case bearing crime No.139 of 2025, implicating them under sections 365-B, 147, 148, 149 PPC read with section 3 of the Trafficking in Persons (TIP) Act, 2018, registered at Police Station Daharki, District Ghotki. Notably, their earlier bail application was dismissed by the learned Additional Sessions Judge-II (GBV Court) Mirpur Mathelo vide order dated 18.08.2025.

2. The facts, as outlined by the complainant Ehsan Ali, allege that on 04.08.2025, at about 9:00 a.m, while he was travelling on a motorcycle with his wife, Mst. Uzma, near Mangria Pump, Daharki, their passage was obstructed by a car. The complainant identified the occupants of the vehicle as the applicants and their co-accused, Mst. Shamshad @ Shazia and Zain @ Kakar. It is alleged that at gunpoint, the accused forcibly abducted his wife, threatening them in the process, and then fled the scene. Following consultation with his brother and nekmards, the complainant lodged the FIR.

3. Counsel for the applicants vehemently argued their innocence and asserted that the applicants have been falsely implicated due to a longstanding enmity over landed property. He highlighted a crucial delay of about nine hours in lodging the FIR, which lacks any plausible explanation, thus raising doubts about the immediacy and authenticity of the complainant's version. The counsel further emphasized the absence of supporting evidence from the CCTV cameras reportedly installed at the petrol pump, a public and heavily

monitored area where the incident allegedly occurred, underscoring a significant gap in the prosecution's case.

4. Moreover, the defense submitted a copy of the section 164 Cr.P.C statement of the alleged abductee, Mst. Uzma, recorded on 03.11.2025 before the Judicial Magistrate Daharki. In this statement, the purported victim categorically denied any abduction and disavowed involvement of the applicants, asserting that the case was fabricated to exert undue pressure due to the property dispute.

5. On the other hand, the learned Deputy Prosecutor General conceded that the alleged abductee's statement contradicted the prosecution's narrative and, in light of this, expressed no objection to the confirmation of bail.

6. This Court has meticulously considered the rival contentions and the evidence on record. The unexplained delay in FIR registration strongly indicates that the prosecution version may be a product of afterthought and deliberation, suggesting the possibility of false implication. The contradictory stance of the alleged abductee in her section 164 Cr.P.C statement seriously undermines the prosecution's case and creates a substantial doubt as to the veracity of the initial allegations.

7. Further, the Investigating Officer has submitted a usual investigation report recommending the case for disposal under 'C' class, indicating a lack of sufficient evidence warranting prosecution. It is pertinent that no order has yet been passed on this report by the learned Magistrate, thus leaving the case in a procedural limbo.

8. The presence of two conflicting versions, the FIR allegations and the exoneratory statement under section 164 Cr.P.C of alleged victim necessitates a cautious approach and entitles the applicants to the benefit of further inquiry as contemplated in section 497(2) Cr.P.C.

9. In view of the above, it is clear that the applicants have established a prima facie case for grant of bail, warranting their liberty until the final adjudication on merits by the competent trial court. The case against the applicants is not of a conclusive nature at this stage; hence, protection afforded under the law is justified.

10. Accordingly, the interim pre-arrest bail previously granted to the applicants on 25.08.2025 stands confirmed on the same terms and conditions. They are obligated to cooperate with the investigation and attend the trial as required.

11. It is emphasized that the observations made herein are tentative and strictly without prejudice to the rights of the prosecution or the ultimate determination of guilt or innocence by the trial court after a full and fair trial.

J U D G E