

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 1242 of 2025

Applicants : i. Zulfiqar Ali.
ii. Abdul Ghaffar.
iii. Ghous Bux &
iv. Ali Gohar
Through M/s Noor Hassan Malik and
Ashique Ali Shaikh, Advocates a/w
applicants.

Complainant : Waheed Ali through Mr. Shamshad
Ahmed Siyal, Advocate a/w
complainant.

The State : Through Mr. Muhammad Raza Katohar,
Deputy P.G.

Date of Hearing : **24-08-2026**
Date of Order : **24-08-2026**

ORDER

TASNEEM SULTANA, J.- Through the instant application under Section 498, Cr.P.C., the applicants Zulfiqar Ali, Abdul Ghaffar, Ghous Bux and Ali Gohar seek pre-arrest bail in Crime No.164 of 2025, registered at Police Station Kumb, for offences under Sections 365, 506/2, 147, 148 and 149, PPC. Earlier, their pre-arrest bail applications Nos.3028/2025 and 4127/2025 were dismissed by the learned Additional Sessions Judge-I/GBVC, Khairpur, vide order dated 17.12.2025; hence, this application for the same concession.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced in detail.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated due to previous hostility and pending criminal litigation between the parties; that before registration of the FIR, complainant Waheed Ali had filed Cr. Misc. Application No.142/2025 under Section 491, Cr.P.C., for recovery of his brother Zahid Hussain and cousin Gul Muhammad, wherein Zahid Hussain was found to have been arrested by police in Crime No.03/2025 under Sections 380 and 457, PPC; that the application moved under Sections 22-A and 22-B, Cr.P.C., for registration of FIR was dismissed after reports were called

from the DSP Complaint Cell and the concerned SHO, who did not support the complainant's version; that the case diary dated 27.03.2025 shows presence of applicants Zulfiqar Ali and Abdul Ghaffar before the Court on the same date; and that no misuse of interim bail has been alleged against the applicants.

4. Conversely, learned counsel for the complainant and learned Deputy Prosecutor General opposed the application by contending that the applicants are nominated in the FIR with specific roles; that Gul Muhammad supported the allegation of kidnapping and confinement in his statement recorded during proceedings under Section 491, Cr.P.C.; that he was produced before the Court on 07.04.2025 after his alleged recovery from a place near the otaq of applicant Zulfiqar Ali; and that the delay in registration of FIR stood explained, as the complainant had been pursuing his legal remedies before different forums. They prayed for dismissal of the application.

5. Heard. Record perused.

6. The allegation against the applicants is that applicants Zulfiqar Ali, Abdul Ghaffar, Ghous Bux and Ali Gohar, along with co-accused, abducted Zahid Hussain and Gul Muhammad. However, in Cr. Misc. Application No.142/2025 under Section 491, Cr.P.C., it came on record that Zahid Hussain had already been arrested by police in Crime No.03/2025 under Sections 380 and 457, PPC, whereas Gul Muhammad was produced before the Court on 07.04.2025 after his alleged recovery from a place near the otaq of applicant Zulfiqar Ali. Thus, the allegation regarding abduction of Zahid Hussain, as well as the evidentiary effect of the statement of Gul Muhammad and his alleged recovery, are matters requiring assessment by the trial Court after recording evidence.

7. It further appears that complainant Waheed Ali thereafter moved Cr. Misc. Application No.1701/2025 under Sections 22-A and 22-B, Cr.P.C., for registration of FIR, which was dismissed after reports were called from the DSP Complaint Cell and the concerned SHO, who did not support his version. The record also contains case diary dated 27.03.2025, showing presence of applicants Zulfiqar Ali and Abdul Ghaffar before the Court on the date of alleged occurrence. These circumstances, when viewed together,

bring the matter within the ambit of further inquiry under Section 497(2), Cr.P.C.

8. In view of the above facts and circumstances, and as no misuse of interim pre-arrest bail has been brought on record, the applicants have made out a case for confirmation of pre-arrest bail. Consequently, the instant bail application is **allowed** and the interim pre-arrest bail granted to them vide order dated 22.12.2025 is confirmed on the same terms and conditions.

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

J U D G E

Ahmad