

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-1063 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objection
For hearing of main case.

27.11.2020.

Mr. Ghulamullah Chang advocate along with
applicants.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Nabi Bux Narejo, advocate for complainant.
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Irshad Ali Shah J;- It is alleged that the applicants with others by making trespass into house of complainant Ali Bux abducted Mst.Amnat and Suneela by causing hatchet blows to PW Ghulam Ali, for that the present case was registered.

2. The applicants on having been refused pre arrest bail by learned Sessions Judge, Umerkot have sought for the same from this Court by way of instant application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy its matrimonial dispute with them; the FIR has been lodged with delay of about five hours; no case for abduction has taken place; the alleged abductees are residing with their parents happily and injuries sustained by PW Ghulam Ali are minor in nature. By contending so, he sought for post -arrest bail for the applicants on point of

further enquiry and malafide. In support of his contention he has relied upon cases of *Adrees Ahmed and others vs Zafar Ali and another (2010 SCMR 64)* and *Khalil Ahmed Soomro and others vs The State (PLD 2017 Supreme Court 730)*

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to grant of pre arrest bail to the applicants by contending that they have actively participated in commission of incident.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about five hours, such delay having not been explained plausibly could not be overlooked. The alleged abductees have returned to their parents on the very same date which appears to be significant. The injuries sustained by PW Ghulam Ali are minor in nature. The parties are already disputed over matrimonial affairs. In these circumstances, a case for grant of pre arrest bail to the applicants on on point of malafide and further inquiry obviously is made out.

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

9. The instant bail application is disposed of accordingly.

JUDGE