

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-1240 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection

For hearing of main case.

24.02.2021.

Mr. Bashir Ahmed Almani, advocate along with applicant.

Ms. Sobia Bhatti, A.P.G for the State.

Complainant Ghulam Mustafa present in person.

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Irshad Ali Shah J;- It is alleged that the applicants with rest of the culprits in furtherance of their common intention by committing trespass into house of complainant Ghulam Mustafa abducted his daughter Mst. Yasmeen with intention to have Zina with her, for that the present case was registered against them.

2. The applicant on having been refused pre arrest bail by learned Additional Sessions Judge-I, Tando Muhammad Khan has 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 applicant that the complainant in order to satisfy his grudge has lodged FIR of the present case against the applicant and others falsely only to compel them to seek divorce for Mst. Yasmeen from her husband Dildar. By contending so, he sought for pre-arrest bail for the applicants on point of further inquiry and malafide

4. Learned A.P.G. for the State, who is assisted by the complainant has opposed to grant of pre arrest bail to the applicant

by contending that he has actively participated in commission of incident.

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

6. Mst. Yasmeen by putting her appearance before Hon'ble High Court of Sindh Bench at Sukkur has sought for quashment of the very FIR, by making an assertion that she has joined her husband Dildar Ali. By doing so, she has belied the complainant in his version with regard to her abduction. Be that as it may, even otherwise, no effective role in commission of incident is attributed to the applicant. In these circumstances, it is rightly being contended by learned counsel for the applicant that a case for grant of pre-arrest bail in favour of the applicant on point of malafidy and further inquiry obviously is made out.

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

8. The instant bail application is disposed of accordingly.

JUDGE