

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Cr. B.A. No. S- 66 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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28.02.2022

Mr. Toseef Ahmed, Advocate for applicants
Ms. Javed Chaudhri, Advocate files vakalatnama for Complainant
Ms. Safa Hisbani, A.P.G.

SHAMSUDDIN ABBASI, J.- Applicants Abdul Jabbar, Muhammad Ibraheem, Ghulam Shabeer, Abdul Razaque, Mithal and Abdul Waheed seek post-arrest bail in Crime No. 143 of 2021 registered at police station Kot Ghulam Muhammad for offence under Section 365, 324, 452, 506(ii), 337-H(ii), 337-A(i), 147, 148, 149 & 504 PPC, after rejection of their bail plea by learned trial court vide order dated 03.09.2021.

2. Brief facts of the prosecution case are that brother of Complainant namely Arbab Ali contracted love marriage with Mst. Gulnaz daughter of Abdul Jabbar (applicant) in the year 2018 and on such un ceremonial marriage Abdul Jabbar was annoyed. Brother of complainant is tanker driver at Karachi. On 10.8.2021 the Complainant along with his sister and sister-in-law were available in their home when at about 2:00 p.m. Abdul Jabbar Chandio along with other applicants came along with deadly weapons and hard blunt substance and on show of weapons forcibly abducted his sister in law in Mehran Car. It is further alleged in the FIR that Abdul Jabbar also caused but below to Mst. Qaima on her head. Such FIR was registered.

3. Learned counsel for applicants submits that the applicants are innocent and have falsely been implicated in this case due to family dispute; that crime weapons i.e. pistol and repeater have been foisted upon the applicants; that alleged abductee is real daughter of applicant Abdul Jabbar so how he can kidnap her real daughter; that earlier there is litigation between the parties, hence false implication of the applicants in the present case cannot be ruled out; that all Complainant and prosecution witnesses are related interse therefore there is no chance of tampering with the prosecution evidence. He lastly prayed for allowing the instant bail application.

4. Learned A.P.G. assisted by learned counsel for complainant, opposed the grant of bail to the applicants on the ground that the statement of victim

has been recorded under Section 164 Cr.P.C which reveals that she has fully corroborated the contents of FIR lodged by the Complainant; that there is specific allegation against each accused which disentitle them for grant of bail.

5. Heard learned counsel for the respective parties and perused the material available on record.

6. From perusal of record, it appears that alleged abductee Mst. Gulnaz is real daughter of applicant Abdul Jabbar. Learned counsel for applicants has placed on record a copy of FIR bearing crime No. 12 of 2018 registered at police station Cant. Hyderabad lodged by Mst. Zarina (sister of complainant) against applicant Abdul Jabbar with the same allegations for abduction of Mst. Gulnaz and her husband in the year 2018, which was disposed of under cancel "C" class. Per medical record, injury sustained by Mst. Qaima was declared as Shajjah-e-Khafifa which is bailable offence. Record reveals that complainant reported the matter to police at 4:40 P.M and SIP Sher Muhammad completed process of registration of FIR, recording statements of P.W.s u/s 161Cr.P.C., preparation of mashirnama of injury of Mst Qaima at P.S and, thereafter, he went to place of recovery of abductee and arrested all nominated accused along with crime weapons within one hour and twenty minutes (6:00P.M) which is unusual. Ingredients of sections 365 and 452 P.P.C. are yet to be determined by the prosecution at the trial, for the reason that it is alleged that father has abducted his own daughter and trespassed into her house and this aspect of the case itself make out a case of further enquiry in terms of section 497(2) Cr.P.C. Applicants are in custody since 10.08.2021. The case has been challaned and they are no more required for further investigation. No purpose would be served to keep them in jail; therefore, in terms of order dated 25.2.2022 they were admitted to bail subject to furnishing surety in sum of Rs 50,000/ each to the satisfaction of learned trial court and P.R bond in the like amount.

7. For the aforesaid reasons by short order dated 25.2.2022 the applicants were admitted to bail.

JUDGE