

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-52 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection
For hearing of main case.

16.03.2021.

Mr. Rao Faisal Ali, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Noor Muhammad Soomro advocate for complainant.

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Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprits forcibly abducted Mst. Rozina, for that the present case was registered.

2. The applicant on having been refused pre arrest bail by learned Additional Sessions Judge-II/GBV Court Mirpurkhas 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 applicant being innocent has been involved in this case falsely by the complainant party; the FIR has been lodged with delay of about [24] days and complainant is not an eye witness of the incident. By contending so, he sought for pre arrest bail for the applicant on the point of further inquiry and malafide. In support of his contention he has relied upon case of *Ali Murtaza and 2 others vs The State (2013 P.Cr.L.J 1424)*.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to grant of pre arrest bail to the applicant by contending that the abductee has not yet been recovered.

5. I have considered the above arguments and perused the record.
6. The applicant is named in FIR with specific allegation that he with rest of the culprits abducted Mst. Rozina and she has not yet been recovered. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party. The complainant party indeed was having no reason to have involved the applicant in this case falsely at the cost of its honour and prestige in society. The delay in lodgment of FIR was natural and it is explained in FIR itself, same even otherwise could not be resolved by this Court at this stage. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.
7. The case law which is relied upon by the learned counsel for the applicant is on distinguishable facts and circumstances. In that case the abductee surfaced. In the instant case, the abductee has not yet been recovered.
8. In view of above, it could be concluded safely that no case for grant of pre-arrest bail to the applicant is made out. Consequently, the instant bail application is dismissed.

JUDGE