

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Present:

**Mr. Justice Muhammad Iqbal Kalhoro J.
Justice Mrs. Kausar Sultana Hussain, J.**

Shaharyar	Cr. Bail Appl. No.983 of 2022 -----	Applicant
Amir Khan	Cr. Bail Appl. No.785 of 2022 -----	Applicant
	Cr. Bail Appl. No.786 of 2022	
Waseem ur Rehman	-----	Applicant
	Versus	
The State	-----	Respondent

Mr. Shamshad Ali Qureshi, advocate for applicant in Cr. B.A. 983 of 2022.

Ms. Farzana, advocate for applicants in Cr. B.A. Nos.785 & 786 of 2022.

Mr. Ali Haider Saleem Addl. P.G

26.07.2022.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicants have been booked in Cr. No.905/2020 U/s 365-A, 395, 109, 34 PPC r/w section 7 ATA registered at P.S. Gulistan-e-Jauhar, Karachi/AVCC against allegations of kidnapping complainant Shoib Ahmed, a builder, on 02.12.2020 for ransom of Rs.10,00,000/-, which he paid and on the same day was released. Earlier to these applications, applicant's applications for the same relief have been dismissed by this court with directions to the trial court to expedite the trial and conclude the same within a certain period.

2. Learned defence counsel have argued that applicants are innocent; falsely implicated in this case; no specific role has been ascribed to them; applicants are very poor; have been made victim of the circumstances; in 164 Cr.P.C statement, complainant has not identified the applicants; some of the co-accused have already been granted bail as such rule of consistency is applicable; directions of this court to conclude the trial have not been complied with making applicants entitled to bail; applicants are behind the bars since date of their arrest, applicants are, therefore, entitled to the relief of bail. In support of their arguments, learned counsel have relied upon 2012 MLD 120, 2012 MLD 1986, 2012 P Cr. L J 986, 2017 SCMR 274 and 2019 SCMR 631.

3. Learned Addl. P.G. has opposed the applications on the ground that seven witnesses have been examined, the trial is at the verge of conclusion and complainant has fully implicated applicants in his evidence.

4. We have considered arguments; perused material on record and gone through the case law relied upon in defence. In the trial, 7 material witnesses have been examined including the complainant who has identified applicants with their specific role. Applicants Waseem ur Rehman and Amir Khan have been identified to have taken part in his abduction and accused Shaharyar facilitated them in the episode. During investigation, ransom amount of Rs.2,28,000/-, his share, was recovered from applicant Shaharyar which connect him *prima facie* with the offence. Argument of learned defence counsel that the same has been foisted upon him or there is difference in 164 Cr.P.C statement and evidence of the complainant cannot be appreciated as this stage requiring only tentative assessment of the material on record whereas these points entail deeper appreciation of evidence. The examination of 7 witnesses reflects that directions have been materially complied with. Even otherwise, this does not create an additional ground to accused to seek bail on.

5. Learned trial court while rejecting applications filed by the applicants has touched upon all the relevant facts and circumstances tentatively and after assigning appreciable reasons has declined the relief. We do not find any reason to interfere in such findings particularly when trial has reached an advanced stage and is likely to be concluded in near future. With these observations, tentative in nature, not to affect merits of the case before the trial court, we dismiss these applications directing the trial court however to examine the remaining witnesses and announce judgment within a period of three months.

The Cr. Bail applications stand disposed of.

JUDGE

JUDGE

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