

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-899 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objections.
2. For hearing of main case.

26.09.2022.

Applicant is present on ad-interim pre-arrest bail.
Mr. Hussain Bux Solangi, Advocate for applicant.
Mr. Imran Ali Abbasi, Assistant P.G.
Complainant is present in person.

O R D E R

MUHAMMAD IQBAL KALHORO, J- Complainant, who is present in person, registered instant FIR against Saeed Charan for disappearing his son namely Samran Ali working at his hotel on 09.05.2019. In the investigation, the case was disposed of under “C” class by the Investigating Officer as he found that her son had left house on his own after being annoyed with his mother refusing to marry him off. When the report was submitted before the Judicial Magistrate concerned, he ordered for re-investigation but nothing was found, and time and again the report was submitted before the Magistrate concerned disposing of the case under “C” class but he never agreed. Finally, on 09.06.2022, after almost three years of the incident further statement of the complainant was recorded, implicating the applicant and other co-accused in disappearance of his son.

2. Learned Counsel for the applicant has pleaded for bail, stating that there is no evidence against applicant and co-accused Ashique @ Karo has been granted post arrest bail by the trial Court observing that case requires further inquiry.

3. Learned Assistant P.G in view of above has recorded no objection. Complainant has, however, opposed bail to the applicant. In further statement recorded after almost three years of the incident, applicant has been nominated by the complainant but she has not disclosed as to how she came to know, or through which source she was able to receive information about involvement of the applicant and co-accused. Furthermore, co-accused having been assigned the same role has already been granted post arrest bail. It is not scheme of the

law to dismiss bail application of an accused, send him to jail and then grant him bail on the rule of consistency. Not only in the peculiar facts, the case is one of further inquiry, but also mala fide on the part of complainant to implicate the applicant who she states is her nephew (son of her sister) cannot be ruled out.

4. In view of the facts and circumstances as stated above, the application is allowed and ad-interim pre-arrest bail already granted to the applicant is hereby confirmed on same terms and conditions.

5. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Shahid