

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Misc. Application No. 369 of 2020

Date	Order with signature of Judge
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1. For orders on MA No.9867/2020
2. For hearing of main case

25.11.2020

Mr. Muhammad Javed, Advocate for applicant.
Mr. Siraj Ali Khan Chandio, Addl.P.G.

-X-X-X-X-

Omar Sial, J: Rasool Khan, the applicant, has filed this application seeking cancellation of bail granted to Hameer Dawood in crime number 557 of 2020 under section 365-B P.P.C. at the Zaman Town police station.

2. Facts of the case are that the aforementioned FIR was lodged by Rasool Khan in which he narrated that when he woke up on the morning of 29-8-2020, he discovered that his 17 year old daughter Bisma was missing from the house along with Rs. 170,000. He came to know through his own inquiries that the applicant had kidnapped her for zina. Hameer was arrested and on 19-9-2020, the learned 7th Additional Sessions Judge, Karachi East admitted him on bail on the ground that there was absolutely no evidence of the commission of the offence.

3. I have heard learned counsel for the applicant as well as the learned APG. My observations are as follows.

4. The learned counsel for the applicant has been repeatedly asked as to the grounds on which he seeks cancellation of bail. Each time he has failed to provide any reason apart from "Hameer did not appear at the police station". It is pertinent to mention that there is no complaint from the State in this regard. The learned counsel has completely failed to show any extraordinary or exceptional grounds which would merit the cancellation of bail granted. There has been no recovery of money or Bisma in this case. I also find it unusual and unnatural that a girl could be kidnapped in the manner that has been alleged in the FIR from her own home at night without anybody even coming to know of the occurrence.

There is all possibility that the girl left with her own sweet will. Malafide on the part of the complainant cannot be ruled out. None of the guiding principles laid down by the Honorable Supreme Court in the Tariq Bashir vs The State (1995 PLD SC 34) case nor the ones laid down by it in Samiullah vs Laiq Zada and another (2020 SCMR 1115) have been agitated.

5. In view of the above, I find no reason to interfere with the order of the learned trial court.

The Criminal Misc. Application stands dismissed.

JUDGE