

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S- 773 of 2023

(*Munir Hussain Mallah Vs. The State*)

For hearing of Bail Application

22-11-2023.

Mr. Aftab Hussain Shar, Advocate a/w applicant.
Syed Sardar Ali Shah, Additional Prosecutor General for the
State.

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It is alleged that the applicant with rest of the culprits abducted Mst. Kaneezan to get her marry with someone against her wishes or to subject her to zina for that the present case was registered.

The applicant on having been refused pre-arrest bail by learned 4th Additional Sessions Judge / Gender Based Violence Court, Khairpur has sought for the same from this Court by way of instant bail application u/s 498-A, Cr.P.C.

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; FIR of the incident has been lodged with delay of about 23 days and Mst. Kaneezan had left house of her parents to marry co-accused Jan Muhammad alias Janoo and now has married with him. By contending so, he sought for pre-arrest bail for the applicant, which is opposed by learned Additional PG for the State by contending that Mst. Kaneezan has not yet been recovered.

Heard arguments and perused record.

The FIR of the incident has been lodged with delay of about 23 days such delay having not been explained plausibly could not be overlooked; it is reflecting consultation and deliberation. As per FIR,

Mst. Kaneezan was dragged out by co-accused Jan Muhammad alias Janoo to marry her and she now has married with him. In that situation, the involvement of the applicant in commission of incident on the basis of vicarious liability is calling for its determination at trial. Obviously a case for grant of pre-arrest bail on point of further inquiry and malafide is made out in favour of the applicant.

In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

Instant Bail Application is disposed of accordingly.

Judge