

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2157 of 2023**

Applicants : Syeda Hina Zaidi and Syed Zeeshan Hussain Zaidi
through Mr. Mallag Assa Dashti, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan, Addl.P.G.
along with S.I. G.S. Dahri

Complainant : through Mr. Aleem Akhtar, associate of Barrister
Akhtar Hussain Jabbar

Date of hearing : 22nd November, 2023

ORDER

OMAR SIAL, J.; F.I.R. No. 419 of 2023 under sections 365, 302 and 34 P.P.C. was registered at the Ferozabad police station on 07.07.2023 against unknown persons. The complainant was Syed Mehar Ali Shah. Shah recorded that his 60-year-old father, a medical officer at SSGC, left in his car the previous day (i.e. 06.07.2023) but did not return home. His car was located through the tracking device installed, but the father was not found. The initial F.I.R. was, therefore, limited to abduction.

2. During the investigation of the crime, a friend of the old doctor, Naseer Mohammad Bhutto, told the investigators that the doctor had told him he had befriended a girl. He did not disclose any details of the girl. The next day, the doctor sent Bhutto a WhatsApp message purportedly from the "girl" in which the "girl" had asked him to meet her at a kebab house. Contrary to what was recorded in the F.I.R., the police claimed that the doctor's car was recovered on 09.07.2023 and the occupants arrested. The occupants were identified as Mohammad Kareem and Zohaib. One of the two arrested persons told the police that the car had been given to them by Sarmad Siddiqui to use, while the other said that he knew a nephew of Sarmad Siddiqui. The nephew was named Shah Nawaz. After the

information, Sarmad Siddiqui, his wife Hina (the first applicant in this application) and Shah Nawaz were arrested. During interrogation, Hina told the investigators that her husband, Sarmad Siddiqui and his brother, Shah Nawaz, had lured the doctor through a honey trap and brought him home, where several people tortured him and then Sarmad asked a lady present there to get an ambulance. He had taken the doctor in the ambulance, after which Hina did not know what happened. The dead body of the doctor was found in the Edhi morgue.

3. I have heard the learned counsel for the applicants and the complainant and the learned Additional Prosecutor General. My observations and findings are as follows.

4. The only evidence against the applicant, Hina, is that she recorded a section 161 Cr.P.C. in which she disclosed that her husband, Sarmad Siddiqui would often bring people home and torture them. This is the evidence that the prosecution had and the evidence on which the learned trial court, in its wisdom, declined the applicants' bail. No recovery to corroborate what Hina supposedly said has been made to date. Hina's statement also supposedly said that her brother Zeeshan (the second applicant in these proceedings) was also present. Hina assigned no role to herself or her brother Zeeshan. Upon a tentative assessment, the evidence against the applicants is not of such a nature that could establish a crime of abduction or murder. The case against the applicants is one of further inquiry.

5. Much time was spent on the prosecution arguing that Sarmad Siddiqui has a massive crime record. That may or may not be accurate, but even if it is, that would not automatically mean that his wife and her brother were also criminals. The investigating officer has failed to collect any meaningful evidence against either accused. In fact, the record does not shed a very complimentary light on the investigating officer. I have restrained myself from further comments in case they prejudice the case of either party.

6. Another lady named Farheen Zameer has also been arrested in this case, and she has ostensibly recorded that Sarmad Siddiqui had exploited her poverty and made her facilitate the abduction of the doctor. In her confession, this lady does not name the applicants. The investigator asserts that the doctor's ATM cards were also used to withdraw money from his accounts. Still, that allegation is against different individuals, and one wonders how the investigating officer reached this conclusion when, to date he has not obtained the bank account details of the doctor, nor has he inspected the footage of CCTVs installed at the bank.

7. The case against the applicants is one of further inquiry. They are both admitted to post-arrest bail subject to their furnishing solvent sureties of Rs. 100,000 each and P.R. Bonds in the like amount to the satisfaction of the learned trial court.

JUDGE