

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Crl. Bail Application No.S- 531 of 2023

Date of hearing	Order with signature of Judge.
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For hearing of Bail Application.

Mr. Rahib Islam Nabi Malano, Advocate along with applicants.
Mr. Aftab Ahmed Shar, Additional P.G for the State.

Date of Hearing & Order: **15-01-2024**

ORDER

MUHAMMAD IQBAL KALHORO, J.- Complainant ASI Ghulam Sarwar of P.S, Gudpur district Sukkur on 27.05.2023 received a spy information that applicants with common intention had committed murder of Mst. Naseema alias Guddi wife of Piyaro on the allegation of Karo-Kari on 20.05.2023 in village Khan Belo. Acting upon it, police proceeded to the place of incident and found applicants present there, who escaped seeing the police. The police tried to find out dead body but in vain. Hence, FIR.

2. Learned counsel in defence submits that before registration of FIR, applicant Piyaro and others had filed a Crl. Misc. Application No.1735 of 2023 on 24.05.2023 reporting missing of Mst. Naseema on 15.05.2023 and more so, in investigation, applicants were declared innocent and let off by the I.O, but learned Magistrate did not agree with such opinion and took cognizance of the offence against applicants.

3. Learned Additional P.G for the State has, however, opposed bail application.

4. I have considered submissions of parties and perused the record. Applicants although are nominated in FIR, but police in

investigation disposed of the case under C-class for want of sufficient evidence and submitted such report before the Magistrate, who did not agree with the report and registered the case against the applicants. But it is obvious that police on account of its opinion of disposing of the case is not going to arrest the applicants. Besides, before registration of FIR, applicant Piyaro had already reported missing of his wife through above Crl. Misc. Application before learned District & Sessions Judge, Sukkur. The dead body of alleged deceased could not be recovered and without any specific allegation to applicants, the story of murder of deceased has been narrated in FIR. The case of further enquiry has been made out and applicants are entitled to bail.

5. Accordingly, in view of the above facts and grounds, this bail application is **allowed** and the interim pre-arrest bail earlier granted to the applicants by this Court is hereby confirmed on the same terms and conditions. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

6. Notwithstanding the above, SSP, Sukkur is directed to depute some senior police officer not below the rank of DSP to reinvestigate the matter and find out about Mst. Naseema alias Guddi that whether she has been murdered or has disappeared on her own. Such report be submitted in the trial Court for further proceedings as well as this Court through its Additional Registrar for a perusal in chamber. Let copy of this order be communicated to SSP, Sukkur for compliance.

JUDGE