

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**Cr. Bail Appln. No. S – 339 of 2023**

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DATE

ORDER WITH SIGNATURE OF JUDGE

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**Hearing of bail application**

**08.09.2023**

Mr. Muhammad Raza Soomro, Advocate along with Applicant  
Mr. Abdul Jabbar Shaikh, Advocate along with Complainant  
Mr. Aftab Ahmed Shar, Additional Prosecutor General for State

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**ORDER**  
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**MUHAMMAD IQBAL KALHORO, J.-** It is alleged in FIR that on 30.01.2023 when complainant along with his son Yaseen Ahmed and granddaughter Areeba aged about 11 years left house for city and reached a street 'Dabbar Mohalla Khairpur', one white colour Car waylaid them, applicant and co-accused Raja armed with a pistol each abducted his granddaughter. He, thereafter complained to nekmards but to no avail and finally registered FIR.

2. Learned counsel in defence submits that the alleged abductee had appeared before the Magistrate on 21.01.2023 and disowned contents of FIR stating that she had willingly married with co-accused Raja and wanted to spend life with him but for the time being intended to go to her parents, hence her custody was given to her parents. Then, she filed an affidavit before the same Magistrate on 03.04.2023 after about three months and this time she disowned the contents of her 164 CrPC statement, hence, the case which was disposed of by the Investigating Officer, was taken cognizance of by the Magistrate, and ultimately the co-accused was arrested and is in jail.

3. Learned counsel appearing for complainant has opposed grant of bail; however, learned Additional PG submits that this is a case of further inquiry.

4. I have considered submission of the parties and perused the record. Not only there is three days delay in registration of FIR, but alleged abductee

had herself appeared before the Magistrate voluntarily without being recovered and gave a statement in favour of the accused confirming her free will marriage with one of them. Only after living three months with her parents, she changed her mind and supported her abduction. Hence, a case of further inquiry is made out. It is additionally pointed out that applicant is not the main accused as the alleged abductee had not taken his name in her 164, CrPC statement.

5. In view of such facts and circumstances, this bail application is allowed, the interim pre-arrest bail already granted to the applicant by this Court vide order dated 24.05.2023 is hereby confirmed on same terms and conditions. The applicant is directed to attend the trial Court regularly.

6. The observations made herein above are tentative in nature and will not prejudice the case of either party at the trial.

Judge

ARBROHI