

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S – 267 of 2023

Cr. Bail Appln. No. S – 300 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGE

Hearing of bail application

1. For orders on office objection at Flag 'A'
2. For hearing of bail application-n

18.09.2023

Mr. Javed Miandad Chandio, Advocate for Applicants
in both bail applications
Mr. Sadam Hussain Leghari, Advocate along with complainant
in both bail applications
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General
for the State

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ORDER
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MUHAMMAD IQBAL KALHORO, J.- Complainant has lodged an FIR that applicants along with other co-accused, nominated in the FIR, who are his caste fellows barged into his house situated near Daudpull Faiz Ganj on 05.02.2023 at 5:00 pm and on the show of force abducted his daughter namely Saba. He first approached the nek mards of the area for her return but when nothing materialized, he appeared at police station and registered FIR.

2. Applicants Counsel submits that there is delay of more than one month in registration of FIR; that the applicants are in fact nek mards, who caused abductee's return and the abductee had appeared before the Civil Judge and Judicial Magistrate, Multan on 25.03.2023 after registration of FIR and had confessed contracting marriage with one Abdul Shakoor at her own free will and had disowned contents of FIR, but later on when she came back to live with her parents, she changed her mind and gave statement u/s 164, CrPC implicating the applicants, hence, the case requires further inquiry.

3. On the other hand, learned for the complainant has opposed the bail, however, he has not denied that the applicants are the nek mards and had promised complainant to make efforts for getting him back the abductee

from main accused Abdul Shakoor. But when they did not make serious efforts, they were involved in the case. In support of his contentions, he has relied upon the cases of ***Naseer Ahmed vs. The State (PLD 1997 Supreme Court 347)***; ***Shah Feroz Rind vs. The State (2009 P CRLJ 409 [Karachi])***; ***Haroon Rashid vs. Ehsan-ul-Haq alias Ihsanullah and 5 others (2010 MLD 24 [Peshawar])***; ***Khuda Bux & 4 others vs. The State (2014 YLR 814 [Karachi])***; ***Mst. Hakim Jan vs. The State (2014 PCrLJ 1355 [Peshawar])*** and ***Jatoi and 6 others vs. The State (2020 MLD 1455 [Sindh])***.

4. Learned Deputy PG for the State has not opposed grant of bail to the applicants, on the ground that this is a case of two versions and abductee herself in her 164, Cr.P.C statement before the Magistrate disowned contents of FIR and her abduction and admitted her marriage with co-accused. She was not recovered by police but had voluntarily appeared at police station.

5. I have considered submissions of parties and perused material available on record and law cited at bar. In my humble view, the case against the applicants appears to be of further inquiry. There is delay of more than one month in registration of FIR, which has not been properly *prima facie* explained. The alleged abductee had appeared before the Civil Judge and Judicial Magistrate, Multan and apparently given statement that co-accused Abdul Shakoor was her husband with whom she had contracted marriage out of her own free will; and had further, disowned contents of FIR. Her appearance later on before the police on her own and giving a statement under Section 164, CrPC implicating everyone mentioned in the FIR as accused, therefore, requires further inquiry. The status of applicants to be nek mards is *prima facie* not disputed by the other side and their failure to get the abductee safely return in time appears to be the main cause of their being arrayed as accused. Hence, their false implication cannot be ruled out.

6. The case law relied upon by learned counsel for the complainant carries different facts, and is not applicable. Accordingly, both the bail applications are allowed. The interim pre-arrest bail already granted to applicant Gul Muhammad Baladi vide order dated 28.04.2023 is hereby

confirmed on same terms and conditions. He is directed to attend the trial Court regularly. Applicant, Sikander Ali Baladi is granted post-arrest bail subject to his furnishing a solvent surety in the sum of Rs.100,000/- (One lac) with PR bond in the like amount to the satisfaction of trial Court.

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

8. ***Office is directed to place a signed copy of this order in the connected captioned matter.***

Judge

ARBROHI