

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No.D-28 of 2024

Before:
**Mr. Justice Amjad Ali Bohio &
Mr. Justice Arbab Ali Hakro**

Applicant: Himat Ali Dharejo through Mr. Mehboob Ali Wassan,
Advocate.

The State: Through Mr. Aftab Ahmed Shar, Additional P.G.

Date of hearing: **09.07.2024**

Date of Order: **09.07.2024**

ORDER

Amjad Ali Bohio, J.- Through the instant bail application filed under section 497, Cr.P.C, the applicant, Himat Ali Dharejo, seeks post-arrest bail in Crime No.08 of 2023, registered with Police Station Abdul Rehman Unnar, for offences punishable under Sections 324, 353, 365-A, 148 PPC & 7 ATA.

2. The prosecution case is that on 26.04.2023, a police party led by SIP Rehmatullah Solangi, acting on information that one Dr. Cheeto Mal had been abducted and confined in the Kacha area, proceeded to the indicated location. At about 1800 hours, 8-10 armed culprits, upon seeing the police, started firing. The police retaliated, leading to a 10-minute encounter. After the firing closure, the police rescued Dr. Cheeto Mal, who disclosed that he was abducted on 06.04.2023 for ransom. The police continued their search and faced another encounter lasting for 2-3 hours. During this encounter, the accused, Himat Ali, was arrested with a Kalashnikov having sustained firearm

injury on his left knee, while the other culprits escaped. Above FIR was then registered for the mentioned offences.

3. We have heard arguments of learned counsel for the applicant, the learned Additional P.G., and the abductee, Dr. Cheeto Mal, and reviewed the record.

After completing the investigation, challan has been submitted, indicating the applicant is no longer required for further investigation. Notably, during the initial and subsequent encounters, neither any police officials was injured, nor was any police vehicle hit with bullets from the applicant's side. However, the applicant sustained a knee injury, which raises doubts upon holding of encounter lasting for hours. The learned APG could not clarify how the applicant received the injury during the encounter. Such like factors were also highlighted in case of *Muhammad Raees v. The State* (2020 P.Cr.LJ Note 199) [Sindh].

4. The most crucial evidence is the testimony of the abductee, Dr. Cheeto Mal who appeared in court and he did not support the prosecution's version, stating he had not seen the applicant to be involved in his abduction or the encounter. In his evidence before trial court, he mentioned that he could not identify the culprits due to their muffled faces and failed to recognize the applicant during cross-examination. A certified true copy of this deposition is submitted with the bail application. Thus, the applicant has established grounds for release on bail as his case falls for further inquiry.

5. Considering the above, the applicant is granted bail, subject to furnishing two solvent sureties of Rs.100,000/- (One Lac) each and a PR bond of the same amount to the satisfaction of the trial court.

6. It is noted that if the applicant misuses the bail concession, the trial court has the authority to cancel the bail after issuing the requisite notice. The above

observations are based upon tentative assessment of record and shall not have effect upon merits of the case.

These are the detailed reasons for our short order dated 09.07.2024.

JUDGE

JUDGE