

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

Criminal Bail Application No.S- 386 of 2024

**05.08.2024.**

Mr. Abdul Majeed Magsi, Advocate for applicant alongwith applicant (on bail).

Mr. Siraj Ahmed Bijarani, A.P.G for State alongwith SIP Irshad Ali Shahani PS B-Section Tando Muhammad Khan.

**ORDER**

**ZAFAR AHMED RAJPUT, J.-** Through instant Criminal Bail Application, applicant / accused Rab Nawaz s/o Muhammad Saleh seeks pre-arrest bail in Crime No.44/2024 registered at Police Station b-Section Tando Muhammad Khan for offences under Section 365, 34 PPC. His earlier application for the same relief bearing Cr.B.A.No.150 of 2024 was heard and dismissed by the learned Additional Sessions Judge-I, Tando Muhammad Khan vide order dated 03.04.2024. He was admitted to interim pre-arrest bail by this Court vide order dated 18.04.2024, now the matter is fixed for confirmation of interim bail or otherwise.

2. It is alleged in the FIR lodged by complainant Mst. Sawera that she had contracted love marriage with one Ghulam Hussain Khaskheli on which accused Shuja Muhammad, Dost Muhammad and Rab Nawaz (present applicant), all sons of Muhammad Saleh Khaskheli were annoyed and they were issuing threats that they will kill the complainant and her husband as 'Karo Kari'. It is further alleged that on 14.03.2024 at about 2100 hours, complainant alongwith her husband was sitting in her house, when the above named accused persons came outside their house in a Mehran car and entered in their house duly armed with pistols and on the pointation of weapons kidnapped the husband of complainant and took him away in the said Mehran car.

3. Heard and record perused.

4. It is an admitted position that the offence was allegedly taken place on 14.03.2024 while the FIR was lodged on 27.03.2024 with a delay of 13 days for which no plausible explanation has been furnished by the complainant. It is also an admitted position that the alleged abductee was absconder in Crime No.75/2024 registered u/s 506/2, 509, 341, 34 PPC at P.S Tando Muhammad Khan and he surrendered before the Court of Sessions Judge, Tando Muhammad Khan in Criminal Bail Application No.524/2024 on 30.07.2024. It is also a matter of record that on 17.06.2024 Shah Muhammad son of Muhammad Saleh, the father of alleged abductee submitted a statement before the Judicial Magistrate-III, Tando Muhammad Khan to the effect that alleged abductee was serving in a Poultry Farm located in Memon Goth, Karachi and he was in contact with his father through mobile phone. Today SIP Irshad Ali Shahani PS B-Section, Tando Muhammad Khan has informed the Court that the alleged abductee has surfaced hence, the guilt of the applicant requires further inquiry as envisaged under sub-section 2 of Section 497 Cr.P.C. Accordingly, instant bail application is allowed. Consequently, the interim pre-arrest bail already granted to the applicant vide order dated 18.04.2024 is hereby confirmed on same terms and conditions.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of applicant on merits. However, in case the applicant misuses the concession of bail in any manner whatsoever, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

Criminal Bail Application stands disposed of.

JUDGE