

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2903 of 2023**

Applicants : Zohaib
through Sardar Salman Ishaque, Advocate

Respondent : The State
through Ms. Robina Qadir, Addl.P.G.

Date of hearing : 13th August, 2024

Date of Order : 3rd September, 2024

ORDER

OMAR SIAL, J.; F.I.R. No. 419 of 2023 under sections 365, 302 and 34 P.P.C. was registered at the Ferozabad police station on 07.07.2023 against unknown persons. The complainant was Syed Mehar Ali Shah. Shah recorded that his 60-year-old father, a medical officer at SSGC, left in his car the previous day (i.e. 06.07.2023) but did not return home. His car was located through the tracking device installed, but the father was not found. The initial F.I.R. was, therefore, limited to abduction.

2. During the investigation of the crime, a friend of the old doctor, Naseer Mohammad Bhutto, told the investigators that the doctor had told him he had befriended a girl. He did not disclose any details of the girl. The next day, the doctor sent Bhutto a WhatsApp message purportedly from the "girl" in which the "girl" had asked him to meet her at a kebab house. Contrary to what was recorded in the F.I.R., the police claimed that the doctor's car was recovered on 09.07.2023 and the occupants arrested. The occupants were identified as Mohammad Kareem and Zohaib. One of the two arrested persons told the police that the car had been given to them by Sarmad Siddiqui to use, while the other said that he knew a nephew of Sarmad Siddiqui. The nephew was named Shah Nawaz. After the information, Sarmad Siddiqui, his wife Hina and Shah

Nawaz were arrested. During interrogation, Hina told the investigators that her husband, Sarmad Siddiqui and his brother, Shah Nawaz, had lured the doctor through a honey trap and brought him home, where several people tortured him and then Sarmad asked a lady present there to get an ambulance. He had taken the doctor in the ambulance, after which Hina did not know what happened. The dead body of the doctor was found in the Edhi morgue.

3. I have heard the learned counsel for the applicant, complainant and the learned Additional Prosecutor General. My observations and findings are as follows.

4. The allegation against the applicant is that on 09.07.2023 he was sitting in the vehicle of the late doctor, which was being driven by one Abdul Karim. Abdul Karim told the police that the main accused Sarmad Siddiqui had given him the vehicle to drive, while the applicant told the police that he could take them to where the other main accused Shah Nawaz Siddiqui (Sarmad's brother) was. He led the police and caused the arrest of Shah Nawaz. The learned APG has confirmed that during investigation no evidence was found against the applicant apart from the fact that he was a passenger in the late doctor's car. The car, according to the prosecution was being driven by Abdul Karim who also acknowledged that Sarmad Siddiqui had given it to him to drive. Abdul Karim is in custody at the moment. Abdul Karim has also not implicated the applicant in any manner. In light of the present evidence, the case of the applicant appears to be one of further inquiry. He is therefore admitted to bail subject to furnishing a solvent surety in the amount of Rs. 500,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE