

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2758 of 2023**

Applicant : Ashfaq Ahmed
through Sardar Salman Ishaque, Advocate

Respondent : The State
through Ms. Robina Qadir,
Deputy Prosecutor General Sindh

Complainant : through Barrister Akhter Hussain Jabbar
along with complainant

Date of hearing : 01-02-2024

Date of order : 08-03-2024

ORDER

OMAR SIAL, J: 60 year old Syed Raham Ali Shah on 06.07.2023 left his home in his car but did not return home. F.I.R. No. 419 of 2023 under sections 365, 302 and 34 P.P.C. was registered on 07.07.2023 on the information provided by Raham's son Syed Mehar Ali Shah. On 09.07.2023, on spy information, the car was detected and stopped. Two persons identified as Abdul Karim and Mohammad Zohaib were in the car. Both were arrested. Karim disclosed that Sarmad Siddiqui had sent him the car through Usama and Abu Sufyan and has asked him to use it. Zohaib offered that he could have Sarmad Siddiqui arrested. Sarmad's wife (Hina) and her brother (Zeeshan) were arrested on the lead provided by Karim and Zohaib. Hina revealed that her husband Sarmad Siddiqui and his brother Shah Nawaz Siddiqui were involved in the kidnapping of Raham Ali. On 09.07.2023 the dead body of Raham Ali was found in the Edhi morgue. CCTV footage at the morgue revealed that a woman identifies as Nusrat Kanwal and her husband Asif Masih had brought the body to the morgue in an ambulance. The applicant was arrested on 31.07.2023. He was arrested on suspicion as he was the younger brother of Sarmad Siddiqui's bodyguard called Juman (also arrested). Ashfaq disclosed to the police that Sarmad had come and lived with them in Moro.

2. I have heard the learned counsel for the applicant and the learned counsel for the complainant who assisted the learned Deputy Prosecutor General.

3. The learned Deputy Prosecutor General confirmed that apart from the fact that the applicant is Sarmad's bodyguard's brother and that all three - Sarmad, Juman and the applicant were arrested from the same place, there is no other evidence available against him at the moment. None of the other accused arrested in this crime nor the CCTV footage obtained disclose any involvement of the applicant in the kidnapping and abduction of Raham Ali. There is also a discrepancy in the accounts given by different persons as to the circumstances in which the applicant was arrested. I have however chose to not highlight those lest it prejudices the case of either party at trial. The applicant has no previous crime record. Based on the evidence collected so far, the case against the applicant is one of further inquiry.

4. Given the above, the applicant is admitted to post-arrest bail against two sureties of Rs. 500,000 each and a P.R. Bond in the aggregate amount to the satisfaction of the learned trial court.

JUDGE