

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No.S-988 of 2024

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For hearing of bail application

Date of hearing **27.02.2025**

Date of order **27.02.2025**

Mr. Sajid Ali Kalhoro Advocate alongwith applicants.
Syed Sardar Ali Shah, Addl. Prosecutor General Sindh.

ORDER

Riazat Ali Sahar, J. In the present application for anticipatory bail, the petitioners, namely Fazul Khan, Allah Dino, Nasrullah, Fateh Khan alias Muhammad Azeem, Abbas, and Imam Ali, seek pre-arrest bail in connection with Crime No. 587/2024, registered at the Moro Police Station, situated in the district of Naushehro Feroze. The alleged offences, as stipulated in the First Information Report (FIR), fall under Sections 364, 337-H(ii), 496-A, 363, and 506(2) of the Pakistan Penal Code (PPC), in addition to Section 3 of the Trafficking in Persons Act, 2019.

2. The earlier bail plea of the applicants has been declined by the learned Additional Sessions Judge, Moro vide order dated 14.12.2024 in Criminal Bail Application Nos.2845 and 2902 of 2024 respectively.

3. The prosecution's case, as stated in the FIR lodged by complainant Ahmed Nawaz at Police Station Moro on 07.11.2024 at approximately 1500 hours, is as follows: The complainant, who works

as a labourer, reported that his cousin, Sheeraz Ali Bughio, had entered into a free-will marriage with the sister of applicant No.1, Fazul Bughio, which led to hostility between the parties. On the day of the incident, in the morning, the complainant, along with his wife, Mst. Amna, aged 28 years, and their minor son, Nade Ali Bughio, aged about 9 months, set out on a motorcycle from their village to Moro City for the treatment of their child. At approximately 1130 hours, as they reached the 4th Mile near the Banana Garden, a white Corolla car bearing registration No. BKH-526 and two motorcycles approached from behind. The vehicles overtook the complainant's motorcycle and stopped in front of it. The complainant and his family recognised the present applicants along with other accused individuals, including two unidentified armed men carrying Kalashnikovs, pistols, and repeaters. Applicant Fazul Bughio addressed the complainant, stating that his cousin, Sheeraz Ali Bughio, had married his sister, and despite repeated demands, the complainant's family had failed to reach a settlement. He then declared that as a consequence, they would abduct the complainant's wife and son. Out of fear due to the display of weapons, the complainant remained silent. Meanwhile, the complainant's relatives, Sarwan and Mazhar Ali, arrived at the scene on a motorcycle. Upon seeing them, the accused pointed their weapons at them and threatened to kill them if they attempted to interfere. In full view of the complainant and his relatives, accused Fazul Bughio forcibly grabbed Mst. Amna by her arm, dragged her to the ground, and, with the assistance of the other accused, forced her into the car

along with Nade Ali. As she cried for help, the accused fired shots in the air and fled the scene. The complainant subsequently proceeded to the police station and reported the incident by lodging an FIR.

4. The learned counsel for the applicants contended that applicants had been falsely implicated in the present case by the complainant with mala fide intent and ulterior motives arising from enmity. He asserted that no such incident, as alleged, had actually taken place. He further submitted that, on the date of the purported incident, applicants Imam Ali and Abbas had been present before the Court of the Civil Judge & Judicial Magistrate-I, Kazi Ahmed, in Criminal Case No. 22 of 2024, which had arisen from Crime No. 116/2024. In this regard, he produced the case diary in court as evidence of their presence elsewhere at the relevant time. Additionally, he argued that the alleged abductee had provided contradictory statements under Sections 161 and 164 of the Code of Criminal Procedure (Cr.P.C.), thereby failing to support the complainant's version. He also submitted that the underlying dispute had pertained to a disagreement over landed property between the complainant's relative, Sheeraz Ali, and co-accused Allah Dino and Nasrullah, rather than any alleged abduction. Moreover, the learned counsel highlighted that both the complainant, Ahmed Nawaz, and the purported victim, Mst. Amna, had filed their respective affidavits, exonerating the applicants from any involvement in the alleged offence. Given these circumstances, he asserted that it remained a matter for determination by the trial court during the course of evidence whether

the applicants had been involved in the alleged crime. In light of these submissions, he prayed for the grant of bail to the applicants. In support of his contentions, he relied upon the judicial precedents set forth in *Zeeshan Ali Butt v. The State* (2009 MLD 171), *Muhammad Yar v. The State and another* (2011 P.Cr.LJ 1549), and *Rahim Shahid v. The State through AAG and another* (2013 YLR 2642).

5. The learned Additional Prosecutor General has conceded the bail on the ground that complainant Muhammad Nawaz and victim lady filed their respective affidavits wherein they have exonerated the applicants from the commission of alleged offence hence they have no objection for confirmation of bail.

6. Since the victim's family no longer wished to pursue the prosecution case against the applicants, the complainant, Ahmed Nawaz, and his wife, Mst. Amna (the alleged abductee), had submitted their affidavits to this effect. This development rendered the case against the applicants one of further inquiry, necessitating the recording of evidence through trial. Furthermore, it was established that applicants Abbas and Imam Ali had been present before the Court of the Civil Judge, Kazi Ahmed, on the day of the alleged incident. This discrepancy in the prosecution's version created doubt regarding the veracity of the prosecution's evidence, thereby entitling the applicants to the concession of pre-arrest bail. Accordingly, and in light of the above circumstances, the bail application is **allowed**. The interim pre-arrest bail earlier granted to the applicants, namely Fazul Khan, Allah

Dino, Nasrullah, Fateh Khan alias Muhammad Azeem, Abbas, and Imam Ali, vide order dated 19.12.2024, is hereby confirmed under the same terms and conditions. The applicants, are directed to continue their appearance before the trial court until the final adjudication of the case.

7. Needless to mention here that observation made herein above are tentative in nature and trial Court may not be influenced of the same and decide the case on its own merits as per evidence and the material made available before it.

Bail application stands disposed of in the above terms.

J U D G E

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