

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1302 of 2024

Applicant: Nouman Son of Muhammad Soomar.
Through Mr. Imran Ali, Advocate holds brief for Agha Ghulam
Abbas, counsel for applicant.

Complainant: Mst. Sakina Wife of Munawar Ali.
Through Mr. Mohsin Ali Almani, Advocate.

Respondent: The State
Through Ms. Rameshan Oad, A.P.G.

Date of hearing: 26.03.2025
Date of order: 26.03.2025

ORDER

Syed Fiaz ul Hassan Shah, J: Through instant bail application, above named applicant seeks his admission to post arrest bail in Crime No.310 of 2024 registered under sections 365-B and 34 PPC, with P.S Tando Muhammad Khan. After the arrest applicant preferred his bail plea before the Court of Additional Sessions Judge-I, Tando Muhammad Khan vide Criminal Bail Application No.819 of 2024 (Re-Nouman Vs. The State) and same was dismissed vide impugned order dated 27.11.2024; hence, instant bail application has been maintained.

2. Since the facts of prosecution case are already mentioned in F.I.R as well as impugned order passed by the Additional Sessions Judge-I, Tando Muhammad Khan, therefore, there is no need to reproduce the same.

3. It is, *inter alia*, contended by the counsel for the applicant that FIR is lodged with delay of four days; however, I have not inspired with this argument as in similar nature cases initially the victim's family tried to search out the abductee from the own resources and only thereafter they approached the concerned police station.

4. On the other hand, the learned counsel for the complainant categorically stated that two prosecutions' witnesses have been examined and they have not implicated the applicant. He further stated that although statement under section 164 Cr.P.C was recorded by the victim but she has exonerated the applicant.

5. The learned APG pointed out that yet the evidence has supported the applicant, but still she has to cross the barrier of provisions of Sindh Child Marriage Restraint Act 2013.

6. I have heard the learned counsel for parties and perused the record.

7. In my tentative assessment, the applicant has made out a case for further inquiry. The prosecution's witnesses have not supported the case, therefore, the allegations are yet to be proved after recording evidence at trial. Even the challan has been submitted before the Trial Court and applicant is not required for investigation. It is not case of the prosecution that applicant if released on bail will temper or destroy the evidence or any apprehension to threat the prosecutions' witnesses. In view of the above, the learned counsel for the applicant made out a case for grant of bail, therefore, the bail application was **allowed**. Consequently, the applicant was granted concession of post arrest bail subject to furnishing his solvent surety in sum of Rs.100,000/- and P.R bond in the like amount, to the satisfaction of Trial Court vide short order dated 26.03.2025. These are the reasons for the same.

8. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merits of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

J U D G E

Muhammad Danish