

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1<sup>st</sup> Criminal Bail Application No. S-47 of 2026

Applicant : Nooral @ Manzoor Ali son of Ranjhan Totani, through Mr. Syed Muhammad Mahdi Shah, Advocate.

The State : Mr. Nazir Ahmed Bhangwar, D.P.G for State.

Date of hearing : 16.03.2026

Date of Order : 16.03.2026.

**ORDER**

**Abdul Hamid Bhurgri, J.**- The applicant Nooral @ Manzoor Ali son of Ranjhan Totani, seeks post-arrest bail in Crime No.309/2025, registered at Police Station PP Saddar, Kamber, for the offences punishable under Sections 365-B, 363, 148, 149 P.P.C and Section 3 of the Sindh Trafficking in Persons Act, 2018, after dismissal of his post-arrest bail application thrice by the learned trial Court.

2. According to the F.I.R., on 10.09.2025 at about 09:00 a.m., the applicant along with co-accused namely Zahid, Suhna, Saleem and Alam, allegedly armed with pistols, waylaid the complainant near the land of Abdul Fatah Magsi at Village Fall Link Road when he was proceeding along with his sons Asif Ali and Zahid Hussain to leave his daughter Mst. Sumera and her minor son Imam Ali towards her husband's house. It is alleged that co-accused Zahid, with the common object of the present applicant and other co-accused, abducted the complainant's daughter Mst. Sumera and her minor son Imam Ali at gunpoint and fled away in a car. The complainant thereafter lodged the F.I.R. on 16.09.2025.

3. Heard learned counsel for the applicant and the learned Deputy Prosecutor General, and perused the available record. A tentative assessment of the material available on record reflects that the alleged abductee Mst. Sumera has admittedly contracted marriage with co-accused Zahid Hussain. It further appears from the record that the alleged abductee has recorded her statement under Section 164 Cr.P.C. before the learned Judicial Magistrate-XXV, Karachi East, wherein she categorically stated that after obtaining divorce from her first husband she contracted marriage with co-accused Zahid Hussain of her own free will and that she had not been abducted by anyone. She further stated that the present F.I.R. was lodged by her father due to his displeasure over such marriage.

4. Thus, two conflicting versions emerge from the record: one reflected in the F.I.R. alleging abduction, and the other arising from the statement of the alleged abductee recorded under Section 164 Cr.P.C., wherein she denies any abduction and asserts that she voluntarily contracted marriage with co-accused Zahid Hussain. Such conflict in the prosecution case prima facie creates doubt regarding the allegation of abduction and renders the matter one of further inquiry within the meaning of Section 497(2), Cr.P.C.

5. It is by now well settled that where, from the material available on record, two possible views emerge regarding the involvement of an accused person, the benefit thereof at the bail stage is to be extended to the accused as a matter of further

inquiry. In this regard reference may be made to the cases of ***Tariq Bashir v. The State (PLD 1995 SC 34) and Muhammad Akram v. The State (2009 SCMR 230)***.

6. In view of the above circumstances, the applicant has made out a case for the grant of bail. Consequently, the instant bail application is allowed and the applicant is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

7. The observations made herein are tentative in nature and shall not prejudice the case of either party at the trial.

*J U D G E*