

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahni

Cr. B.A. No.2388 of 2026
(Muzaffar Ali @ Mozi vs. The State)

For hearing of bail application

Date of hearing

& order **18.09.2026**

Mrs. Farzana Mateen, advocate for applicant

Mr. Bilal Qureshi, advocate has filed power on behalf of abductee Dua Mangi.

Mr. Mohammad Ali Noonari, DPG

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.771/2019, u/s 365-A, 324, 34 PPC, r/w section 7 ATA, 1997, registered at Police Station Darakshan, Karachi, by means of this application.

2. This FIR was registered by complainant Abdul Fateh, on 01.12.2019, reporting that on 30.11.2019, he had received a telephone call from his son Haris, informing him that he had received a bullet injury at the hands of some unknown accused, when he was present with his friend at Bukhair Commercial Area, Near Interwood Building, Phase-VI, DHA, Karachi, namely Dua Mangi, who was abducted by them. After admitting his son in the relevant hospital for treatment, the complainant appeared at the Police Station and registered the above FIR against unknown accused.

3. Later on, it transpired that Dua Mangi was kidnapped for ransom and was released only after payment of Rs.25,00,000/- after seven days. The investigation of the matter continued, and the applicant was suspected to be involved in the case, hence, he was arrested. He was put to an identification parade, where he was identified by the abductee. Subsequently, in the evidence recorded by the trial Court, she has also identified him to be one of her abductors. She is present before us, as meanwhile she has become an advocate. She has confirmed identity of the applicant and his role in the crime.

4. On the other hand, learned counsel for the applicant has pleaded for bail on the ground of statutory delay stating that the applicant is in jail for more than five and a half years for no fault of him and the case has not yet been concluded.

5. The ground of statutory delay has been rebutted by learned DPG stating that in terms of the fourth proviso to section 497 Cr.PC the statutory ground is not available in cases of terrorism; seven witnesses have already been examined, and the case is likely to be concluded.

6. We have considered submissions and in view of *prima facie* evidence in the shape of the identification parade and the evidence of the abductee, who is present before us, we do not find the applicant entitled to concession of bail. Not the least, when ground of statutory delay in terms of fourth proviso to section 497 Cr.PC is not available in the present case, being a case of terrorism. However, at the same time, we must observe that expeditious trial is the right of the accused, therefore, while dismissing the bail application, we direct the trial Court to examine the witnesses expeditiously, as soon as possible, and conclude the matter preferably in 06 months under intimation to this Court through MIT-II of this Court.

7. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

JUDGE

Rafiq/PA.