

**ORDER SHEET****LAHORE HIGH COURT, LAHORE.****JUDICIAL DEPARTMENT**

Criminal Miscellaneous No.91603-B of 2017

*Rana Khurram Shehzad and another**Petitioners**versus**The State and another**Respondents*

S. No. of order/ Proceedings	Date of order/ Proceedings	Order with signature of Judge and that of Parties, counsel, where necessary
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03)	02.11.2017	Mr.Muhammad Anwar Bhaur, Advocate with the petitioners in person Mr.Irfan Zia, Deputy Prosecutor General for the State and M.Irshad SI with record Ch.Akbar Ali Tahir, Advocate for the complainant
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Through this petition under section 498 Cr.P.C. the petitioners has sought pre-arrest bail in case FIR No.411/17, dated 14.08.2017 registered at Police Station Chhanga Manga, District Kasur, in respect of offence under section 365-B, PPC.

2. I have heard the learned counsel for the parties and have gone through the record of this case with their able assistance. This is bail before arrest and only tentative assessment is required at this stage, therefore, without going into deeper appreciation of evidence, it has been noticed by this Court that there is an unexplained delay of thirteen days in registration of FIR and even then the petitioners are not named therein as the culprits of alleged offence. In FIR, Muhammad Arshad complainant has leveled allegation against accused Rashid Siddique, Khalid and Tariq alongwith one unknown accused that on 01.08.2017 they abducted his daughters Mst. Iqra Bibi and Mst. Farah, but in her application under sections 22-A, 22-B, Cr.P.C. filed by Mst. Iqra Bibi alleged abductee on the very next day i.e.

02.08.2017 against her real brother Muhammad Adeel and other relatives, she has categorically mentioned that on 01.08.2017 she contracted marriage with Rashid Siddique co-accused with her free will and consent and nobody has abducted her. Furthermore, after going through the record learned Deputy Prosecutor General has apprised the Court that in her statement under section 164 Cr.P.C. the alleged abductee Mst.Iqra has admitted her marriage with Rashid Siddique co-accused, but after joining her parents, she has filed suit for jactitation of marriage against him. As far as the contention of learned counsel for the complainant that one of the alleged abductees Mst.Farah has supported the prosecution version in her statement under section 164 Cr.P.C. and the other alleged abductee Mst.Iqra Bibi has filed private complaint under sections 365-B, 452, 376, 363, 344, 506-B, PPC against the petitioners and their co-accused is concerned, admittedly the statement under section 164 Cr.P.C. of Mst.Farah alleged abductee was recorded at the time when she had already joined her parents and possibility cannot be ruled out of consideration that she got recorded statement under section 164 Cr.P.C. under the influence of her parents. Although Mst.Iqra Bibi alleged abductee has filed a private complaint under sections 365-B, 452, 376, 363, 344, 506-B, PPC wherein she has leveled a joint allegation of abduction against the present petitioners and the accused nominated in FIR, but it is very strange that the names of present petitioners, who are residents of the same vicinity, are not mentioned in FIR rather Muhammad Arshad complainant has mentioned the names of accused Rashid Siddique, Khalid and Tariq co-accused as the persons who allegedly abducted his daughters and they all are residents of Chak No.54/DB, Tehsil Yazman, District Bahawalpur. The above facts *prima facie* create doubt in the prosecution story to the extent of present petitioners and it is settled law that

the benefit of doubt can be extended in favour of the accused even at bail stage. Even otherwise, there is no allegation of committing “zina-bil-jabr” against the present petitioners and Mst.Iqra Bibi alleged abductee has specifically leveled allegation of committing “zina-bil-jabr” against Rashid Siddique co-accused but there is no denial of the fact that nikahnama establishing factum of marriage between Mst.Iqra Bibi alleged abductee and Rashid Siddique co-accused is available on record. Admittedly the petitioners are previous non-convict and never involved in any other case. They have already joined the investigation which is complete to their extent, therefore, no useful purpose would be served by sending them behind the bars only to come out of jail on post-arrest bail after a few days.

3. For what has been discussed above, false implication of the petitioners by the complainant with *mala fide* intention and ulterior motive after joining hands with local police and spreading the net wide cannot be ruled out of consideration, *hence*, this petition is allowed and the ad interim pre-arrest bail already granted to the petitioners is confirmed subject to furnishing bail bond in the sum of Rs.100,000/- (Rupees one hundred thousand only) each with one surety in the like amount to the satisfaction of learned trial court.

4. The observations made above are tentative in nature and are strictly confined to the decision of this bail petition only.

*(Abdul Sami Khan)*  
*Judge*

**APPROVED FOR REPORTING.**

*(Abdul Sami Khan)*  
*Judge*