

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN  
GILGIT**

**BEFORE:-**

*Mr. Justice Sardar Muhammad Shamim Khan, Chief Judge.  
(In Chamber)*

**Crl. Appeal No.02 of 2024 in  
Crl.PLA No. 07 of 2024**

Imran Khan

Petitioner

Versus

The State

(Respondent)

**Present:-**

Mr. Mr. Burhan Wali , Advocate for petitioner.

Mr. Mir Muhammad Prosecutor-General for State.

**Date of hearing:            19.03.2024**

**JUDGMENT**

**Sardar Muhammad Shamim Khan, Chief Judge:-** Through instant Criminal Petition petitioner namely Imran Khan seeks post arrest bail in a case registered against him vide FIR No.135 of 2023 dated 08.12.2023 offences under sections 365-B, 506, 344 & 34, PPC at police station Basin District Gilgit.

2. Precise allegation against the petitioner as narrated by the complainant in the FIR was that petitioner alongwith other co-accused nominated in the FIR deceitfully abducted Mst.Nasira Bibi (sister of the complainant) and thereafter the accused persons forcibly obtained the thumb impression of the sister of the complainant on the forged and fictitious Nikha Nama. Hence instant FIR was registered.

3. Learned counsel for the petitioner contended that petitioner has falsely been implicated in the instant case on the basis of malafides; that Mst. Nasira Bibi the alleged abductee out of her own free will lawfully contracted marriage with

petitioner vide Nikah Nama dated 14.09.2023; that thereafter Mst. Nasira Bibi the alleged abductee appeared before the police and got her statement recorded under section 161 Cr.P.C wherein she admitted the factum of her marriage with the petitioner and did not support the prosecution version, as narrated by the complainant in the FIR; that the petitioner is behind the bars since his arrest and is no more required by the police for the purpose of further investigation. Thus, it is submitted that by accepting instant appeal, the petitioner may be admitted to post arrest bail.

4. Learned Prosecutor-General has vehemently opposed the instant appeal on the grounds that petitioner is nominated in the FIR; that there was specific allegation against the petitioner that he alongwith co-accused deceitfully abducted the Mst. Nasira Bibi sister of the complainant; that during investigation the police recorded the statements of P.Ws wherein they fully implicated the petitioner in the commission of instant occurrence and he was found guilty in the investigation conducted by the police; that the offences alleged against the petitioner are heinous in nature and come within the purview of prohibitory clause of section 497 Cr.P.C. Thus, it is submitted that instant CrI. Appeal is liable to be dismissed.

5. Arguments heard. Record perused.

6. It has been noticed that instant occurrence took place on 12.09.2023 whereas matter was reported to the police on 08.12.2023 with an extraordinary delay of about two months and 26-days for which no proper explanation has been furnished by the complainant in the FIR. The copy of Nikah Nama is available on record which shows that Mst. Nasira Bibi the alleged abductee contracted marriage with the petitioner on 14.09.2023. It has further been noticed that on 09.12.2023 Mst. Nasira Bibi the alleged abductee appeared before the police and got her statement recorded under section 161 Cr.P.C wherein she contended that on 14.09.2023 she out of her own free will contracted marriage with Imran Khan petitioner. Later on, Mst. Nasira Bibi the alleged abductee appeared before the SHO Women Police Station Gilgit wherein she also admitted the factum of her marriage with the petitioner. Perusal of record also reveals that Mst. Nasira Bibi and her husband Imran Khan (petitioner) filed the suit for Declaration alongwith Perpetual Injunction before the court of learned Senior Civil Judge Gilgit.

Although aforesaid suit was dismissed on account of non-prosecution yet stance taken by her (alleged abductee) in the said suit was that she out of her own free will contracted marriage with petitioner and that her father and brothers were causing illegal harassment to her (Mst. Nasira Bibi) and they were interfering into her matrimonial life. Although on 13.12.2023 the statement of Mst. Nasira Bibi was recorded by the police under section 161 Cr.P.C wherein she changed her initial stance by contending that the petitioner alongwith co-accused deceitfully abducted her and thereafter the accused persons forcibly obtained her thumb impression on the forged and fictitious Nikha Nama yet prima facie it seems that she had given this statement under some undue influence because the alleged abductee in her earlier three consecutive statements categorically contended that she out of her own free will contracted marriage with petitioner and she did not support the prosecution version, as narrated by the complainant in the FIR. Keeping in view the facts and circumstances of the case, possibility of false involvement of the petitioner in the instant case on the basis of mala fides cannot be ruled out. The petitioner is behind the bars since his arrest and is no more required by the police for the purpose of further investigation. No useful purpose would be served by keeping the petitioner in jail for an indefinite period.

7. For what has been discussed above, instant Criminal Appeal is accepted and petitioner is admitted to post arrest bail subject to his furnishing bail bonds in the sum of Rs. 2,00,000/- with one surety in the like to the satisfaction of the learned trial court. These are the reasons for my short order of the even date whereby the petitioner was admitted to bail and was ordered to be released from jail forthwith, if not required in any other case.

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Justice Sardar Muhammad Shamim Khan  
Chief Judge