

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 2060 of 2024
(Sameer v. The State)

Date	Order with signature of Judges
------	--------------------------------

1. For orders on MA No.11865/2024
2. For hearing of bail application

23.09.2024

M/s. Shahbaz Sahotra and Muhammad Akram Khan, advocates for the applicant
Ms. Rubina Qadir, Deputy Prosecutor General for the State

It is the case of prosecution that the applicant with the rest of the culprits in furtherance of their common intention murdered Arman a boy aged 18 years by causing him fireshot injury on his head, for which the present case was registered.

The applicant having been refused bail by learned IVth-Additional Sessions Judge, Karachi, Malir, has sought the same from this Court by way of instant bail application u/s 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the police based on statements of P.Ws Adnan @ Bilal Hussain and Muhammad Talha, therefore, he is entitled to be released on bail on the point of further inquiry. In support of his contention, he relied upon the case of *Saeed Ullah and 2 others v. The State and another* (2023 SCMR 1397).

Learned Deputy PG for the State has sought dismissal of the instant bail application by contending that on arrest from him has been secured the crime weapon.

Heard arguments and perused the record.

The FIR of the incident has been lodged by ASI Abdul Ghafoor on behalf of the *State*; it does not contain the name of the applicant; it was disclosed to Mst. Shahida Begum the mother of the deceased by

P.Ws Adnan @ Bilal Hussain and Muhammad Talha with narration that it was the applicant who had murdered the deceased by causing him fire shot injury on his head; such statements have been made with a delay of about 15 days to the FIR with no plausible explanation to such delay, therefore, same could not be overlooked. Co-accused Adnan has already been admitted to bail by this Court. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicant. In these circumstances, a case for the release of the applicant on bail on the point of further inquiry is made; such concession could hardly be denied to him based on a recovery of crime weapon which is alleged to have been foisted upon him by the police.

Under the given circumstances, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.200,000/- (Rupees Two Lacs Only) and P.R bond in the like amount to the satisfaction of the trial Court.

Instant bail application is disposed of accordingly.

J U D G E

Nadir*