

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Appl. No.2083 of 2024

Date	Order with signature of the Judge
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28.01.2025

Mr. Tayyab ur Rehman, advocate has filed power on behalf of applicant.
Ms. Rahat Ahsan, Addl. P.G.
Mr. Aamir Mansoob Qureshi, advocate for complainant.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Yaseen is seeking post arrest bail in Crime No.251/2022 U/s 302, 34 PPC of P.S. Shershah, Karachi.

2. Complainant in the FIR dated 7.10.2022 has reported an incident that occurred on 04.10.2022 in which his brother namely Muhammad Yaseen was murdered by the accused including applicant inside Lunda Go Down compound Shershah Karachi. Applicant is said to be present at the spot and had patted the deceased on his back saying that he shall not be spared today. Next day viz. 8.10.2022, applicant was arrested and is in jail since.

3. Learned defence counsel has argued that applicant's name is not mentioned in the FIR; there is delay of three days in registration of FIR; no specific role has been assigned to him and he is said to be the unknown accused, who had patted the deceased on his back and said that he should not be spared; the evidence of four witnesses has been recorded and they have not specifically implicated him for causing murder of the deceased.

4. On the other hand, learned counsel for complainant submits that presence of the applicant is not denied as he himself got injuries in the incident; CDR also shows applicant's presence at the spot and in CCTV footages he is seen to be beating the deceased; meanwhile four witnesses have been examined, therefore, instead of deciding this bail application on merits, directions may be issued to the trial court. Learned APG has also supported the impugned order.

5. After consideration of the grounds taken by the parties respectively, I am of the view that the case for bail has been made out. The role assigned to the applicant prima facie is that he had patted the deceased on the back and said to other witnesses that he should not be spared. As a result of which, the main accused Nazar caused dagger blows to brother of complainant, and he died. The question whether the main accused acted under the influence of the applicant is yet to be determined in the trial. Prima facie, applicant is not said to have caused any injury to the deceased. He is in jail for more than two years and record does

not show that delay in conclusion of the trial is attributable to him. In the circumstances, I am of the view that case of further inquiry is made out.

6. Accordingly, this application is allowed and applicant is granted bail subject to furnishing a solvent surety in the sum of Rs.200,000/- and P.R bond in the like amount to the satisfaction of the trial court.

The bail application is disposed of.

The observations made hereinabove are tentative in nature and would not prejudice case of either party.

J U D G E

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