

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Crl. Bail Application No.924 of 2024
(*Abdul Salam and Abbas v. the State*)

Date	Order with signature(s) of Judge(s)
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For hearing of bail application

26.11.2024

Mr. Aswad Ali Chouhan, advocate for the applicants
Ms. Amna Ansari, Additional Prosecutor General

Mohammad Karim Khan Agha, J:- Applicants Abdul Salam and Abbas were booked in FIR No.01/2024 under Section 302,109,34 PPC registered at PS Jackson, Karachi. They applied for post-arrest bail before the Court of Additional District & Sessions Judge-XI (West) Karachi which was declined vide order dated 22.04.2024. Hence the applicants have approached this Court for post-arrest bail.

2. Brief facts of the case as mentioned in the FIR are that complainant Umer Farooq had enmity with one Rohail Ameen son of Ajar Badshah and Umair Khan son of Abdul Jabbar and on 01- 01-2024 at about 7p.m his younger brother Sanaullah Sunny was sitting near Rehmania Masjid at Keamari and was apprehended by Rohail Ameen and Umair Khan by putting a Chadar upon him; they tortured and brought him Quba Masjid Charnal Road Keamari and thereafter shot him near Quba Masjid because of which he was severely injured and upon such information he reached to the place of occurrence and saw that his brother was taking his last breaths and he informed him about the names of the accused persons i.e. Rohail Ameen and Umair Khan, he took my brother to hospital in injured condition in a Rikshaw and as Ghas Bandar MA Jinnah Road Keamari, thereafter he took his brother in Chipa Ambulance to Civil Hospital in Trauma Centre where the doctored verified the death of his brother, the maternal uncles of Rohail Ameen namely Abdul Jabbar. Abdul Salam, Dr Abdul Sattar, Abdul Dayan and their sons have abetted in the offence and his claim is against Rohail Ameen S/o Ajar Badshah and Umair Khan S/o Abdul Jabbar with the abetment of above mentioned persons have caused tortured to his brother namely Sanaullah @ Sunny and thereafter killed him by firing, hence, the aforesaid FIR was lodged against the present applicants.

3. I have heard learned counsel for the applicants. I have also heard learned Addl. Prosecutor General Sindh and the complainant in person as well as perused the material available on record.

4. This is a murder case and undoubtedly a serious offense. The two main accused named in the FIR are Rohail Ameen and Umair Khan. Applicant Abdul Salam is said to be abettor. Applicant Abbas is not even named in FIR although he also is said to be an abettor. There is no eye witness to the murder. Learned Additional Prosecutor General has conceded in Court that there is no evidence against either of the applicants. The applicants have been in jail for 11 months and the charge has not been framed.

5. Based on the above discussion, I find this case to be one of the further inquiry and as such post-arrest bail is granted to applicants **Abdul Salam son of Sultan Mehmood** and **Abbas Khan son of Abdul Salam** subject to furnishing their solvent surety in the sum of **Rs.300,000/-** each and P.R. bond in the like amount to the satisfaction of the trial Court.

6. This order is based only on a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicants and the learned Additional District & Sessions Judge-XI (West) Karachi shall proceed and decide the case on merits expeditiously within three (03) months of the date of this order. Copy of this order shall be sent to concerned trial Court for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE