

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.1165 of 2024.

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| Date | Order with signature of Judges |
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For hearing of Bail Application.

18.09.2024.

Mr. Nawabuddin Shar, Advocate for the Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.

Mohammad Karim Khan Agha, J:- Applicant Sabir Ali was booked in FIR No.1319/2023 under Section 302/34 PPC registered at PS Shah Larif Town, Karachi. He applied for post arrest bail before the Court of IVth Additional Sessions Judge Malir Karachi which was declined vide order dated 29.03.2024. Hence the applicant approached this Court for post arrest bail.

2. Brief facts of the case as per FIR are that when the complainant returned home from his job on 16.10.2023 he was informed by his brother-in-law Gulbahar that Muhammad Mallah s/o Muhammad Sharif had been murdered. On receiving this information he rushed to Imroti Colony SLT and saw dead body of his uncle Muhammad Mallah lying in tied condition with ropes in the house of Ali Muhammad @ Allu, Sabir, Ghulam Rasool @ Khair the tenants of Ahmed @ Baboo. He called the police and informed regarding the incident arrived on the spot and the dead body of Muhammad Mallah was taken to the hospital. Hence the aforesaid FIR was lodged against Sabir and others of the said incident.

3. I have heard learned counsel for the applicant and learned Addl. Prosecutor General Sindh. Learned counsel for the complainant has preferred to remain absent.

4. It is true that the applicant is named in the FIR. However, there is no eye witness of the incident. No specific role has been assigned to the applicant rather he has been given a general role. He has been named in the FIR simply because he was the tenant of

Ahmed @ Baboo, whose statement has not even been recorded. Applicant was not arrested on the spot but was arrested in another case after 06 months of lodgment of FIR where apparently he confessed the murder before the police. However this statement was not recorded before the Judicial Magistrate. No recovery has been made from the applicant and the only evidence against him appears to be that he was the tenant of the property where the body of the deceased was found.

5. In my view this is a case of further inquiry against the applicant. He has remained in jail for the last 06 months and the charge is only been framed. There are 14 Prosecution Witnesses in total and the trial is not likely to conclude in near future.

6. As such the applicant **Sabir Ali son of Mehar** is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.5,00,000/- (Rupees Five Lacs Only) and PR Bond in the like amount to the satisfaction of the Nazir of the concerned trial Court.

7. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it.

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

JUDGE

MAK/PS