

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Criminal Bail Application No.S-310 of 2025

Applicant : Amjad Luqman (present on interim pre-arrest bail) through Syed Muhammad Waseem Shah, Advocate.

Respondent : The State through Ms. Rameshan Oad, Deputy Prosecutor General Sindh along with Inspector / I.O. Syed Naeem Rizvi PS Market Hyderabad.

Complainant : Mst. Zohra Rajput through Mr. Ubaidullah Chaijan.

Date of hearing : 02.06.2025.

Date of Order : 02.06.2025.

O R D E R.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused Amjad Luqman seeks his pre-arrest bail in Crime No.177 of 2024, for offence under sections 302, 324, 337-H (ii), 34 P.P.C, registered at P.S. Market Hyderabad, after his bail plea was declined by the learned 2nd Additional Sessions Judge, Hyderabad vide his order dated 24.03.2025.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. The learned counsel for the applicant contends that the applicant has been falsely implicated in this case. He argues that the FIR was lodged with a delay of three days and sixteen hours without any plausible explanation, which casts doubt on its veracity. He further submits that no motive for the offence is mentioned in the FIR and in the absence of motive the commission of such a serious offence punishable with capital punishment is highly doubtful. He further argues that although the incident allegedly occurred on a public road in a populated area, no independent witness from the locality has been cited. The complainant is not an eyewitness and lodged the FIR on information allegedly provided by the injured Shahzeb, who did

not name the applicant. The complainant also failed to disclose the source of the applicant's identification. He further argues that no identification parade was conducted and the applicant's name appears to have been introduced by the police, who had previously lodged two allegedly false FIRs being Crime Nos. 83/2024 and 48/2024 against him. The injured PW Shahzeb claimed the applicant fired at the deceased and hit him in the head, whereas the Danistnama indicates a bullet wound on the neck, creating a contradiction that warrants further inquiry. He submits that the applicant has been implicated by the police of P.S. Market, Hyderabad, with malafide intent to harass and disgrace him. He lastly argues that all prosecution witnesses are interested and set up by the complainant; therefore, there is no likelihood of tampering with the prosecution case if the applicant is granted pre-arrest bail. He prays that the interim pre-arrest bail already granted may be confirmed.

4. On the other hand learned D.P.G. Sindh duly supported by the learned counsel for the complainant vehemently opposed the confirmation of bail in favour of the applicant. Learned counsel for complainant adds that there is direct and specific role has been assigned to the present applicant and PW Shahzeb the eyewitness has supported the incident who is injured of the same incident and injury sustained to him fall under section 337-F (vi) PPC. The learned counsel for the complainant argues that the accused intercepted the complainant party, resorted to aerial firing and later, upon being followed to Liberty Chowk, one of them fired at PW Shahzeb while the applicant fatally shot the deceased Atif. He submits that the incident is supported by eyewitnesses and medical evidence, making out a prima facie case against the accused. He further argues that the applicant has committed the murder of deceased Atif, as such, there is no *mala fide* intention to robe the applicant falsely as he is fully connected in the commission of offence.

5. Heard and perused the record.

6. Record reflects that the PW Shahzeb, the deceased Atif, and their friends were riding motorcycles towards Tilk-Charhi when they were intercepted near Masala Restaurant by

three boys on two motorcycles. The accused forcibly stopped them, one of took out a pistol, resorted to aerial firing and issued threats. Later, when the complainant party followed the accused to Liberty Chowk with the intent to apprehend and hand them over to the police, they were confronted again. At that point, one accused fired at PW Shahzeb, injuring his foot, while the others physically assaulted Atif, during which one of them fired at him, causing his death. The accused then fled the scene. Later on the complainant party came to know that applicant made fire shot upon deceased. The incident is supported by eyewitnesses and medical evidence, establishing a clear case against the accused. The name of applicant finds specific place in the FIR and the ocular account is duly corroborated by medical evidence. Statements of eyewitness recorded under section 161 Cr.P.C further support the prosecution's version. It is settled law that for grant of pre-arrest bail, mere assertion of false implication is not sufficient; the accused must demonstrate *mala fide* or ulterior motive on part of the complainant or police. However, in this case, the applicant has failed to establish any such *mala fide* for his false implication. The applicant is alleged directly and actively involvement in the fatal shooting.

7. In view of the *prima facie* material connecting the applicant to the commission of the offence, absence of *mala fide* and the seriousness of the allegations, I am of the considered opinion that the applicant does not deserve the extraordinary concession of pre-arrest bail. The application is, therefore, **dismissed** and the interim pre-arrest bail granted to the applicant earlier is recalled.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE