

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1539 of 2025

Criminal Bail Application No.2323 of 2025

Applicant	:	Shahzaib through Mr. Saifullah, Advocate.
Applicant	:	Abdul Samad through M/s Riaz Hussain Soomro, Advocate.
Complainant	:	Sher Khan through Mr. Altaf Hussain, Advocate.
Respondent	:	The State through Mr. Muhammad Noonari, D.P.G.
Date of Hearing	:	25.11.2025.
Date of Order	:	03.12.2025.

ORDER

TASNEEM SULTANA J: By this common order, I intend to dispose of the above-listed both Criminal Bail Applications, as the same arise out of the same Crime/FIR No.529 of 2024, registered under Sections 302/34, P.P.C. at Police Station Mobina Town, Karachi, involving identical questions of law and fact; therefore, the applications were heard together.

Having been rejected their earlier applications for grant of post-arrest bail by the learned Additional District & Sessions Judge-I, Karachi East (Model Criminal Trial Court), vide orders dated 14.05.2025, applicants Shahzaib through Criminal Bail Application No.1389 of 2025, and applicant Abdul Samad through Criminal Bail Application No.2323 of 2025, seek the same concession through listed bail applications.

Brief facts of the prosecution case are that on 31.12.2024 the complainant, upon being informed by his relative Altaf, reached Jinnah Hospital and found his cousin Allah Yar lying dead with a firearm injury on his chest. The complainant states that witness Inamullah informed him that at about 0005 hours near Owais Decoration Street, Block-4/A, Sabiri Park, Gulshan, two motorcycles carrying four unknown persons attempted to stop the Suzuki Cultus being driven by his cousin Allah Yar, and upon failure, they fired at the tyre causing it to burst, and thereafter one of them came in front

of the vehicle and made a straight fire at Allah Yar, who later succumbed to the injury; hence this FIR was registered.

Learned counsel for applicant Abdul Samad contended that the applicant is not named in the FIR and has been implicated during investigation; that no incriminating recovery has been affected from his possession; the complainant is not an eye-witness; and the identification parade is doubtful, thus entitling him to concession of bail. Learned counsel for applicant Shahzaib argued that he is also not named in the FIR; that no direct evidence connects him with the occurrence; no identification proceedings were conducted in his case; and the reliance placed upon CDR and circumstantial material does not constitute reasonable grounds for withholding the concession of bail.

Conversely, learned DPG assisted by learned counsel for the complainant opposed both applications and contended that IO has collected sufficient incriminating material against the applicants; that PW Inamullah has identified applicant Abdul Samad in the identification parade; that CDR and CCTV footage collected by the Investigating Officer shows their presence, movement, and communication with co-accused around the time of the incident; that they are not entitled for concession of bail in the offence which falls within the prohibitory clause of section 497 Cr.P.C.

I have heard the learned counsel for the parties and have perused the material available on record.

Upon careful examination of the record, it appears that the Investigating Officer has collected substantial material against both applicants. The CDR analysis places the mobile phones of both applicants within the cellular range of the place of occurrence at the relevant time and further reflects multiple calls exchanged between the applicants and the co-accused shortly before and after the incident, which indicates coordination and complicity of applicants in the commission of the offence. Such telecommunications data, though circumstantial in nature, forms a significant link in the chain of evidence connecting the applicants to the crime.

Furthermore, the Investigating Officer has secured CCTV footage from the surrounding area, which depicts two motorcycles moving in close proximity to the vehicle of the deceased around the time of the incident. This footage has been incorporated into the investigation as

part of the circumstantial chain connecting the applicants with the occurrence and corroborates the prosecution version of the incident. More significantly, PW Inamullah, who was present at the scene and witnessed the incident, has identified applicant Abdul Samad during an identification parade conducted before the learned Judicial Magistrate as one of the motorcycle-riding persons involved in chasing and cornering the vehicle of the deceased. The identification parade was conducted in accordance with law, and there is no material on record to suggest any irregularity or infirmity in the same. The contention that the identification parade is doubtful is a matter of defence to be examined during trial and does not, at this stage, entitle the applicants to bail.

In the present case, considering the nature and gravity of the offence, the material collected by the Investigating Officer, including CDR analysis, CCTV footage, and identification by an eye-witness. Thus sufficient, prima facie, material exists to connect both applicants with the commission of offence under Section 302, 34 PPC which falls squarely within the prohibitory clause of Section 497, Cr.P.C. In such cases, the grant of bail is not a matter of right but a matter of judicial discretion to be exercised with utmost care and caution, and only in exceptional circumstances where the prosecution case appears to be inherently weak or the evidence suffers from material defects.

For the reasons stated above, applicants have failed to make out case for grant of post arrest bail. Resultantly, the listed Criminal Bail Applications, being devoid of merit, are dismissed.

However, it is clarified that the observations made herein are tentative in nature which shall not prejudice the case of either party at the trial.

JUDGE