

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.578 of 2025

Applicant : Ali Akbar son of Agedino  
through Mr. Imran Ali Shah, Advocate

Respondents : The State through Mr. Mumtaz Ali Shah  
Asstt. Prosecutor General Sindh

Date of hearing : 16.02.2026

Date of order : 16.02.2026

### **ORDER**

**TASNEEM SULTANA, J.**— Through this Criminal Bail Application, applicant Ali Akbar seeks pre-arrest bail in Crime No.254 of 2024 for the offences punishable under Sections 302, 311, 201, 34 P.P.C. registered at Police Station Sujawal. The applicant earlier approached the Court of learned 1st Additional Sessions Judge, Sujawal, however his request for confirmation of pre-arrest bail was declined vide order dated 15.10.2024, hence the present application before this Court.

2. Brief facts of the prosecution case, are that on 29.09.2024 information was received at Police Post Bhudo Talpur that Mst. Fahmida aged about 15/16 years had sustained firearm injury on the left side of her head outside her house allegedly at the hands of unknown persons; that she was referred for medical treatment through police letter after making roznamcha entry and completing necessary formalities; that subsequently she succumbed to injuries; that police officials proceeded to Civil Hospital Sujawal, confirmed her death and after medico-legal formalities the dead body was handed over to heirs; that later on spy information it transpired that relatives of the deceased namely Muhammad Ameen, Muhammad Uris and present applicant Ali Akbar suspected the deceased of having illicit relations and, in a fit of fury, allegedly caused her death and attempted to bury the body without post-mortem to conceal the offence; thus the instant case was registered on behalf of the State.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated; that the FIR has been lodged on spy information without any direct ocular account; that initially the occurrence was attributed to unknown assailants; that subsequently the prosecution shifted its stance towards honour-based motive; that no specific role or overt act has been assigned to the applicant; that the case rests

upon suspicion; that material contradiction exists as the mother of the deceased lodged separate FIR No. 267/2024 through order under Sections 22-A & 22-B Cr.P.C nominating different accused persons namely Asghar and Abbas with allegation of firearm murder; that two irreconcilable versions regarding the same occurrence render the identity of actual assailant doubtful; that investigation is complete and challan has been submitted; that no recovery remains outstanding; therefore the case calls for further inquiry.

4. Learned A.P.G opposes the bail application and contends that sufficient material has been collected during investigation connecting the applicant with the commission of offence; that the motive relating to honour killing coupled with post-occurrence conduct regarding burial without post-mortem prima facie establishes involvement of the applicant; therefore, the instant bail application is liable to be dismissed.

5. Heard. Record perused.

6. Tentative assessment of the material placed on record reflects that the prosecution case, at this stage, revolves primarily around inferential motive and post-occurrence conduct rather than direct incriminating evidence. The State FIR has been lodged on the basis of spy information alleging that the applicant and other relatives, on suspicion of illicit relations of the deceased, committed her murder and attempted to conceal the offence. However, the record simultaneously discloses existence of a counter version in the shape of FIR No. 267/2024 lodged by the mother of the deceased pursuant to an order passed under Sections 22-A & 22-B Cr.P.C., wherein entirely different accused persons have been nominated with specific allegation of firearm murder supported by ocular account. The presence of two parallel and irreconcilable versions regarding the same occurrence prima facie creates serious doubt about the identity of actual assailant and the true genesis of the incident.

7. The material further reflects that the earliest information regarding the occurrence attributed firearm injury to unknown persons, which aspect prima facie lends support to the counter version and weakens the subsequently introduced theory of honour-based motive. The allegation forming basis of concealment under Section 201 P.P.C., namely burial without post-mortem, also stands disputed in view of the cross FIR asserting that medico-legal formalities were conducted. These material inconsistencies touching motive, manner of occurrence, and post-incident conduct cannot be reconciled at bail stage without deeper appreciation of

evidence. Consequently, at this stage, the matter squarely falls within the ambit of further inquiry as contemplated under Section 497(2) Cr. P.C.

8. In view of above facts and circumstances, the applicant has made out a case for grant of pre-arrest bail. Accordingly, interim pre-arrest bail granted to the applicant vide order dated 05.03.2025 is hereby confirmed on the same terms and conditions.

**JUDGE**

Nadeem