

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.531 of 2026

Applicant : Asim S/o Muhammad Ali
through Mr. Naeem Akhtar Khan,
Advocate

Complainant : Taimoor Iqbal S/o Muhammad Naseer
present in person.

The State : through Mr. Siraj Ali Khan Chandio,
Additional Prosecutor General, Sindh.

Date of hearing : 30.03.2026

Date of order : 30.03.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, the applicant/accused seeks post-arrest bail in Crime No.534 of 2023 registered under Sections 302,324,34 PPC at Police Station SITE-A, Karachi after his bail plea has been declined by the learned Additional Sessions Judge-III, Karachi (West), vide order dated 09.02.2026.

2. The details and particulars of the FIR are already available in the bail application and FIR; hence, the same need not to be reproduced hereunder.

3. Learned counsel for the applicant mainly contended that the applicant is innocent and has been falsely implicated in this case; that the alleged incident took place outside the house in a densely populated area; however, no independent eyewitness has been cited except the complainant himself; that even the inmates of the house were not cited as mashirs; that no recovery has been effected from the applicant after his arrest. Learned counsel further pointed out that the complainant admitted that he used to take intoxicants, thereby rendering his testimony unreliable; that although the

complainant claimed that he witnessed the accused firing at the deceased but surprisingly no injury was caused to him; that the allegations against the applicant are general in nature and no specific role assigned attributed against him; that the applicant is in jail for the last nine months and is no longer required for further investigation. Lastly, he prayed that the applicant be enlarged on bail. In support of his contentions, learned counsel has relied upon the cases reported as (1) Akhtar vs. Khwas Khan and another (2024 SCMR 476, (2) Fahad Hussain and another vs. State through Prosecutor General Sindh, (3) Muhammad Khan alias Muhammad Bux vs. The State (2015 PCRLJ 69), (4) Khalid Javed Gillani vs. The State (PLD 1978 SC 256), (5) Muhammad Akram vs. The State (2009 SCMR 230), Bibi Siddiqa vs. The State (2025 YLR 694), (6) Intizar Hussain vs. The State and another (2022 MLD 103), (7) Muhammad Ramzan vs. The State (2025 SCMR 762), (8) Mudassar Mukhtar vs. The State and another, (9) Ali Muhammad vs. The State (2005 YLR 3357), (10) Manzoor and 4 others vs. The State (PLD 1972 Supreme Court 81), (11) Ashiq Hussain vs. The State (2003 YLR 1759) and (12) Binyameen vs. The State through A.G. Khyber Pakhtunkhwa and another (2026 SCMR 99).

4. On the other hand, the learned Additional Prosecutor General, Sindh, duly assisted by the complainant, vehemently opposed for grant of bail on the ground that the complainant has already been examined, while other prosecution witnesses are yet to be examined; therefore, bail cannot be granted at this stage in light of the case reported as *Rehmatullah v. The State (2011 SCMR 1332)*.

5. Heard arguments of learned counsel for the parties and perused the material available on record.

6. Upon a careful perusal of the record, it transpires that the name of the applicant/accused has been specifically

mentioned in the FIR with a definite and attributed role. It is alleged that the applicant, in concert with co-accused Shakir, both being duly armed with deadly weapons, resorted to indiscriminate firing upon the younger brother of the complainant, namely Hamid Iqbal, as a consequence whereof he sustained multiple firearm injuries on various parts of his body. He was thereafter shifted to the hospital, where, during the course of treatment, he succumbed to the said injuries. Furthermore, the prosecution witnesses, in their statements recorded under Section 161 Cr.P.C., have fully supported the version advanced by the complainant. The ocular account furnished by the witnesses stands corroborated by the medical evidence available on record. The presence of the accused at the place of occurrence has not been denied, and the motive for the commission of the alleged murder has also been duly set forth in the FIR.

7. With regard to the contention raised by the learned Additional Prosecutor General that the complainant has already been examined while other material witnesses are yet to be examined, and therefore concession of bail ought not to be extended, reliance has been placed upon the case of *Rehmatullah v. The State* (2011 SCMR 1332), wherein the Honourable Supreme Court of Pakistan has held that the courts should ordinarily refrain from granting or cancelling bail during the pendency of trial, and the appropriate course in such circumstances is to direct the learned trial Court to conclude the proceedings within a specified timeframe. It is a settled principle that at the stage of bail, only a tentative assessment of the available material is to be undertaken, and deeper appreciation of evidence is not permissible. Prima facie, sufficient incriminating material is available on record connecting the applicant/accused with the commission of the alleged offence. Moreover, no ill-will, mala fide, or ulterior motive on the part of the complainant for falsely implicating the applicant/accused has been alleged or established by the learned counsel for the applicant.

8. In view of the foregoing, the learned counsel for the applicant has failed to make out a case for further inquiry within the contemplation of subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application is hereby **dismissed**. However, the learned trial Court is directed to expedite the proceedings and conclude the trial of the case, preferably within a period of three months.

9. It is, however, clarified that the observations made hereinabove are tentative in nature and shall not, in any manner, prejudice the case of either party at trial.

JUDGE

Kamran/PS