

# **THE HIGH COURT OF SINDH AT KARACHI**

## **Criminal Bail Application No.612 of 2026**

Applicant : Muhammad Usman son of Lal Khan through Muhammad Ghaffar Khan, Advocate

Complainant : Asif Khan son of Manzoor Khan through Mr. Shahan Jawahery, Advocate

The State : Through Mr. Sharaf-u-Din Kanhar, Assistant Prosecutor General, Sindh along with Investigation Officer/ PI-Sohail Ahmed Wagan of Police Station Gulistan-e-Jauhar, Karachi

Date of hearing : 01.04.2026

Date of decision : 01.04.2026

### **ORDER**

**Jan Ali Junejo, J.-** This order shall decide the post-arrest Criminal Bail Application filed by the Applicant/Accused Muhammad Usman son of Lal Khan under Section 497, Cr.P.C., arising out of FIR No.567 of 2025, registered at Police Station Gulistan-e-Jauhar, Karachi, for offence under Section 302, 109, 34, PPC. The Applicant seeks bail after arrest, being aggrieved by the Order dated 16.02.2026, passed by the learned XIVth Additional Sessions Judge, Karachi East, whereby, his earlier bail plea [Bail Application No.616 of 2026] was declined.

2. As per the contents of the FIR lodged by Complainant – Asif Khan that he is a resident of Okara and his brother, Muhammad Arshad, aged about 28 years, was engaged in a property business at Royal Estate, Gulshan-e-Iqbal. On 02.08.2025, the deceased went to show a property in Gulistan-e-Jauhar and at about 17:25 hours, near Abu Zar Ghafari Masjid, two unknown motorcycle-riding assailants fired upon him, causing a fatal firearm injury to his neck and fled away. The injured was shifted to Dar-ul-Sehat Hospital where he succumbed to injuries. Upon receiving such information, the Complainant reached the Hospital and found the deceased dead. Police completed all legal formalities and post-mortem was conducted at Jinnah Hospital, Karachi. The complainant nominates two unknown accused, identifiable upon appearance, along with their facilitators, and also expresses suspicion against applicant/accused due to prior family disputes. The Complainant requests that legal proceedings be initiated against them in accordance with law.

3. Learned Counsel for the Applicant contends that the Applicant is innocent and has been falsely implicated in this case due to inter se family discord. He submits that there is an unexplained delay of twenty five hours in the lodgment of the FIR, which casts doubt upon the veracity of the prosecution version; that the no specific overt act or weapon is attributed to the Applicant; that the Applicant is a first offender, having no previous criminal record, as is evident from the CRO, and incarceration at this stage would be oppressive; that the statements under Section 161 Cr.P.C., were recorded after an unexplained delay of more than four days, which do not support the prosecution case against the applicant; that no eye-witness other than the complainant has been mentioned; that the investigation has been completed and challan submitted; hence, there is no reason to keep the Applicant behind the bars and the Applicant is ready to furnish solvent surety; that it is settled principle of law that the matters of granting bail to the Applicants, the basic rule is bail and not jail, and mere arrest of the accused cannot be sufficient evidence to connect the Applicant with the alleged offence; that the case of the Applicant falls within the ambit of further inquiry under Section 497(2) Cr.P.C. He prays that the Applicant be admitted to bail pending trial.

4. Conversely, learned Assistant Prosecutor General, Sindh as well as Complainant's Counsel have vehemently opposed the application and submit that the Applicant is duly nominated in the FIR and has been assigned active participation in the offence. It is urged that the offence is heinous and falls within the prohibitory clause of Section 497(1), Cr.P.C. being a case of murder, and there exist reasonable grounds to believe that the Applicant is connected with the commission of the offence; no mala fides or ulterior motive is shown to falsely implicate the Applicant; that at the bail stage, deeper appreciation of evidence is not permissible. Accordingly, they both prayed that the bail application be dismissed.

5. I have heard learned Counsel for the parties and perused the available record. Admittedly, the Applicant has not been nominated with any specific role in the commission of the alleged offence. It is alleged that the applicant is the father-in-law of the deceased and there existed a family dispute between the parties. The complainant, on the basis of such dispute, expressed suspicion that the applicant may be directly or indirectly involved in the murder of the deceased.

6. Record reflects that after registration of the FIR, investigation was conducted and an interim challan dated 23.08.2025 was submitted,

wherein no incriminating material was collected against the applicant. It further appears that neither any Call Detail Record (CDR) nor location of the applicant was matched with the place of occurrence. Thereafter, final challan dated 02.11.2025 was submitted, which also did not disclose any material connecting the applicant with the commission of the alleged offence.

7. Subsequently, a supplementary challan dated 17.12.2025 was submitted after a lapse of about four months from the date of registration of the FIR, wherein for the first time a role was assigned to the applicant to the effect that he was allegedly in contact with one Usman Warsi on 02.08.2025, who in turn was in contact with co-accused Muhammad Ummar Khan. However, even in the said supplementary challan, no direct evidence has been collected showing contact of the applicant with the main accused involved in the commission of the offence. No recovery has been effected from the Applicant.

8. It is also an admitted position that there exists a family dispute between the parties, which prima facie provides a motive for false implication. The material available on record does not reasonably connect the applicant with the commission of the alleged offence. The case of the applicant thus calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

9. In view of the above circumstances, the Applicant has made out a case for grant of bail. Consequently, the bail application is allowed. Applicant-Muhammad Usman son of Lal Khan is admitted to post-arrest bail pending trial in case FIR No.567 of 2025, under Section 302, 109, 34, PPC, registered at Police Station Gulistan-e-Jauhar, Karachi, subject to furnishing solvent surety in the sum of **Rs.200,000/- (Rupees Two Hundred Thousand only)** and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court. The observations made herein are tentative in nature and are confined solely to the determination of the bail application. The learned Trial Court shall not be influenced by these observations and shall decide the case strictly in accordance with law on the basis of evidence produced before it.

**JUDGE**