

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 617 of 2026

Applicant : Mehmood
son of Muhammad Zakir,
through Mr. Aamir Mansoob Qureshi,
Advocate

The State : Through
Mr. Mumtaz Ali Shah, A.P.G. Sindh. a/w
Investigation Officer Imdad Hussain

Date of hearing : 22.06.2026.

Date of order : 22.06.2026.

ORDER

Jan Ali Junejo, J. – Through this order, I intend to decide the instant post-arrest bail application filed under Section 497 Cr.P.C. by the applicant Mehmood son of Muhammad Zakir, who seeks his release on bail in connection with FIR No.268 of 2025 registered at Police Station Malir City, Karachi for the offences punishable under Section 302/34 PPC. The applicant has approached this Court being aggrieved by the order dated 10.02.2026 passed by the learned Sessions Judge, Malir at Karachi West whereby his second bail application was declined.

2. The facts, in essence are that pursuant to Rapat No. 38 entered in the Roznamcha Aam of the above police station, I, PASI Fayaz Khan, after receiving the postmortem report of an unknown deceased lady aged about 55/60 years, returned to the police station. It is stated that an iron box containing a dead body packed in a sack was lying at the place mentioned in Column No. 2 of the FIR. Upon receipt of the said information, I, along with higher police officials, proceeded to the spot, where an iron box containing the dead body of an unknown lady aged about 55/60 years, packed in two orange-coloured sacks, was found. The Crime Scene Unit was summoned to inspect the scene and collect fingerprints for the identification of the deceased and the accused persons. Thereafter, the dead body was shifted through an Edhi ambulance to the hospital, where Lady MLO conducted postmortem proceedings and issued Postmortem Report No. 181/2025 dated 29.04.2025, which was subsequently received by me. The dead body was kept in the Edhi mortuary for three days, and thereafter two sealed parcels and blood samples were received from the Lady MLO. Upon my return to the police station, I made my best efforts to trace the legal heirs and ascertain the

identity of the deceased; however, no information regarding the identity of the deceased lady or her legal heirs could be obtained. Consequently, the present case was registered under Sections 302/34, P.P.C. against unknown accused person(s). Thereafter, further investigation of the case was entrusted to the Investigation Officer (SIO), hence, this FIR.

3. Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated in the present case despite having no concern whatsoever with the alleged offence. He submits that the prosecution story is false, fabricated, and concocted, and that neither the complainant nor any other person is an eye-witness to the occurrence, thereby rendering the implication of the applicant highly doubtful. Learned counsel further argues that the only allegation leveled against the applicant in the challan pertains to the offence under Section 201, P.P.C., based upon an alleged disclosure that he had merely thrown away a carpet, which purported confessional statement is wholly inadmissible and carries no evidentiary value in the eyes of law. He maintains that the challan itself does not attribute any role to the applicant in the commission of the murder, nor does it disclose any act of facilitation, conspiracy, common intention, or prior knowledge on his part, and no co-accused has made any confession implicating him. He further submits that no incriminating article has been recovered from the possession of the applicant or at his pointation. Learned counsel contends that the prosecution case itself reflects that the applicant was not present at the place of occurrence and was, in fact, present at his workplace, namely Sindh Club, at the relevant time, thereby furnishing him with a plausible plea of alibi, which has not been effectively rebutted by the prosecution. He further argues that no substantive evidence has been produced to establish the applicant's presence at the crime scene, whereas the material supporting his alibi has remained uncontroverted. It is further submitted that the applicant is neither the owner nor the tenant of the flat where the alleged offence is stated to have occurred and has no connection whatsoever with the said premises. Learned counsel also points out that the applicant has remained in custody since 06.08.2025, has fully cooperated with the investigating agency throughout the investigation, yet no material has surfaced connecting him with the commission of the alleged offence. He further submits that the applicant was arrested after an unexplained delay of more than three months from the date of the incident, which itself creates serious doubt regarding his involvement. Learned counsel argues that the investigation has been conducted in a highly arbitrary, selective, and mala fide manner and the presented applicant, against whom there is neither direct, circumstantial, nor corroborative evidence, has been falsely implicated.

According to the learned counsel, such selective investigation demonstrates bias, non-application of mind, and violation of the settled principles of fair investigation, thereby rendering the prosecution case highly doubtful. He further submits that neither the complainant nor any prosecution witness has attributed any role to the applicant in the commission of the murder or in the disposal of the dead body, nor is there any evidence suggesting that the applicant had knowledge of or reason to believe the commission of the alleged offence. Learned counsel lastly contends that the applicant has no previous criminal record, is a permanent resident of Karachi, is neither a hardened nor desperate criminal, there is no likelihood of his absconding or tampering with the prosecution evidence if released on bail, and that his case squarely falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. He, therefore, prays that the applicant be admitted to bail.

4. Conversely, the learned Assistant Prosecutor General Sindh opposed the grant of bail to the applicant, asserting that sufficient material has been collected during investigation connecting the accused with the offence, and thus, the case does not fall within the ambit of further inquiry.

5. I have heard the learned counsel for the applicant as well as learned APG at considerable length and have carefully examined the material available on record. It is a settled principle of law that at the stage of deciding a bail application, the Court is required to undertake only a tentative assessment of the material collected during the investigation without entering into a deeper appreciation of evidence, as any such observation may prejudice the case of either party during trial. Admittedly, the present FIR was initially registered against unknown accused persons after the recovery of the dead body of an unknown lady packed in sacks and placed inside an iron box. The applicant was neither nominated in the FIR nor was he arrested at the spot. His implication surfaced subsequently during the course of investigation. A tentative assessment of the material available on record reveals that the only allegation attributed to the applicant is with regard to the offence under Section 201, P.P.C., allegedly on the basis of his disclosure that he had thrown away a carpet. At this stage, such alleged disclosure or confessional statement, having been made before the police, carries no independent evidentiary value unless corroborated by legally admissible evidence. Significantly, there is no allegation in the challan or any other material available on record that the applicant participated in the commission of the murder, shared any common intention with the principal accused, facilitated the commission of the offence, or entered into any criminal

conspiracy. Likewise, no incriminating article has been recovered from the possession of the applicant or at his pointation which may, prima facie, connect him with the commission of the alleged offence.

6. It further appears that neither the complainant nor any prosecution witness is an eye-witness to the occurrence, and no direct evidence has been brought on record connecting the applicant with the commission of the murder. The prosecution itself has not produced any material to demonstrate the applicant's presence at the place of occurrence at the relevant time. On the contrary, the applicant has taken the plea that he was present at his workplace, namely Sindh Club, at the relevant time. The correctness or otherwise of such plea is a matter requiring appreciation of evidence and cannot conclusively be determined at the bail stage. Nevertheless, the existence of such a plea, coupled with the absence of direct evidence, cannot be ignored while making a tentative assessment of the prosecution case.

7. In view of the above, the case against the applicant calls for further inquiry within the meaning of Section 497(2) Cr.P.C., and he is thus entitled to the concession of bail. Accordingly, the applicant/accused Mehmood son of Muhammad Zakir is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of **Rs.2,00,000/- (Rupees Two Lac only)** and PR bond in the like amount to the satisfaction of the learned trial Court. It is clarified that the observations made herein are purely tentative in nature and shall not influence the trial Court at the time of final adjudication of the case on merits.

These are the detailed reasons of the Short Order dated: 22.06.2026.

JUDGE