

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1546 of 2026

Applicant : Rashid S/o Yaqoob
through Mr. Muhammad Imran
Kalmati, Advocate

Respondent : The State
through Mr. Muhammad Noonari,
Deputy Prosecutor General, Sindh

Date of hearing : 14.07.2026

Date of short order : 14.07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.229/2023 registered under Sections 302/34 PPC R/w Section 7 ATA of PS Sharafi Goth, after his bail plea has been declined by the learned Judge, Anti-Terrorism Court No.VI, Karachi vide order dated 05.05.2026.

2. The detailed facts of the case are already available in the bail application as well as FIR, therefore, the same need not to be reproduced hereunder.

3. Learned counsel for the applicant primarily contended that the applicant is innocent and has been falsely implicated in the present case. He argued that the applicant has been nominated solely on the basis of the complainant's statement, without any independent corroborative evidence connecting him with the alleged offence. Learned counsel further submitted that PW-2 Allah Bux (brother of the deceased), and

PW-3 Mst. Naila (wife of the deceased) being the star witnesses of the prosecution, have made several material contradictions in their statements, which, according to him, cast serious doubt upon the prosecution story and the alleged involvement of the applicant. He further contended that the prosecution evidence recorded so far has failed to inspire confidence and calls for further inquiry within the meaning of subsection (2) of Section 497, Cr.P.C. Learned counsel also argued that the FIR was registered in the year 2023, yet the trial has not been concluded despite the applicant having remained behind bars for nearly three years. According to him, such inordinate and unexplained incarceration, coupled with the delay in conclusion of the trial, entitles the applicant to the concession of post-arrest bail under the settled principles of law. On these premises, he prayed for the grant of post-arrest bail to the applicant.

4. Conversely, learned Deputy Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the applicant is specifically nominated in the FIR with the allegation that he along with two co-accused arrived at the place of occurrence on a 125cc motorcycle, opened indiscriminate fire upon the deceased Zahid Ali, who is a police constable, and thereafter fled from the scene. He submitted that the applicant has been assigned a specific role in the commission of the offence and that sufficient incriminating material is available on the record connecting him with the alleged crime. He further argued that the trial is at the verge of conclusion, as five prosecution witnesses have already been examined, and therefore, he is not entitled to the concession of bail at this stage.

5. We have heard the learned counsel for the parties at considerable length and have carefully examined the material available on the record.

6. A careful perusal of the record reveals that, according to the prosecution case, on 19.08.2023, the complainant reported that his elder son, Zahid, who is also a police constable, was sitting outside their house while the complainant himself was inside. At about 10:25 p.m., upon hearing the sound of gunfire, he rushed outside and allegedly saw three persons riding a 125cc motorcycle proceeding towards Allah Dad Goth. Among them, he identified one of the assailants as Rashid son of Muhammad Yaqoob. By that time, people from the locality had also gathered at the scene, where the complainant found his son lying in a pool of blood, having sustained firearm injuries and succumbed to his injuries at the spot. Thereafter, the deceased was shifted to Jinnah Hospital for the necessary legal formalities, and after the funeral, the instant FIR was lodged.

7. Before addressing the merits of the contentions advanced by the learned counsel for the applicant, it is pertinent to observe that a plain reading of the F.I.R. reveals that the applicant has been specifically nominated therein with the allegation that, in furtherance of the common intention of his co-accused, he committed the murder of the deceased, Zahid Ali, by resorting to indiscriminate firing and thereafter escaped from the place of occurrence. The complainant has attributed a definite and specific role to the applicant in the commission of the alleged offence. Although the learned counsel for the applicant has invited the attention of this Court to certain alleged admissions made by PW-2 Allah Bux and PW-3 Mst. Naila, such submissions pertain to the appreciation and assessment of evidence, which falls exclusively within the domain of the learned trial Court after the entire prosecution evidence has been recorded. It is a settled principle of law that, at the

stage of deciding a bail application, the Court is not required to undertake a deeper appreciation of the evidence or to record definitive findings regarding its probative value. Furthermore, the offence alleged against the applicant squarely falls within the prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898.

8. The learned Deputy Prosecutor General, Sindh, has submitted that five prosecution witnesses have already been examined, while the remaining witnesses are scheduled to appear on the next date of hearing for recording of their evidence. It has further been contended that the trial has substantially progressed and is now at the verge of its conclusion. In these circumstances, the appropriate course would be to direct the learned trial Court to expedite the proceedings and conclude the trial within a stipulated period, strictly in accordance with law. The reliance is placed in the case of **Rehmatullah v. The State (2011 SCMR 1332)**; wherein the Hon'ble Supreme Court of Pakistan has held that:

“3. Heard. The petitioner was granted bail on 21-11-2008, which was cancelled by the learned High Court on 19-3-2009, when according to the order itself the trial was at the verge of conclusion. Learned Additional Prosecutor-General stated that now only one or two witnesses are yet to be recorded. The courts should not grant or cancel bail when the trial is in progress and proper course for the courts in such a situation would be to direct the learned trial Court to conclude the trial of the case within a specified period. Reference may be made to Haji Mian Abdul Rafique v. Riaz ud Din and another (2008 SCMR 1206). We find that the impugned order was passed in violation of the law, therefore, we cannot subscribe to it. In view whereof, we are persuaded to allow this petition and direct the learned trial Court to conclude the trial of the case expeditiously.

4. For the foregoing reasons, present petition is converted into appeal, allowed and bail

granting order dated 6-4-2009, passed by this court, is confirmed. However, learned trial Court is directed to conclude the trial of the case within a period of two months from the date of receipt of copy of this order.”

9. In view of the foregoing discussion, this Court is of the considered opinion that the learned counsel for the applicant has failed to make out a case warranting the grant of bail under subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application was **dismissed**. However, the learned trial Court is directed to conclude the trial expeditiously and decide the same, preferably within a period of **sixty days**.

10. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

11. These are the reasons of our short Order dated 14.07.2026.

JUDGE

JUDGE

Kamran/PS