

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1909 of 2026

Applicant : Bilal S/o. Jan Muhammad
Through M/s. Mamood ur Rehman and
Rana Muhammad Arshad, Advocates

Respondent : The State
Through Mr. Sharafuddin Kanhar, A.P.G
Sindh a/w SI-Muhammad Afzal of PS Iqbal
Market.

Complainant : Muhammad Farooq son of Gul Ali Khan
present in person .

Date of hearing : 12.08.2026.

Date of order : 12.08.2026.

ORDER

Jan Ali Junejo, J.— Applicant Bilal son of Jan Muhammad seeks post-arrest bail in a case bearing Crime No. 206/2024, for offence under section 302/34 PPC of P.S Iqbal Market. Karachi. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-III, Karachi West, which was declined vide order dated 08.05.2026.

2. Brief facts, as per Report No. 39 dated 18.07.2024, are that I, SIP Tariq Mehmood Khattak, after verifying the deceased Yaseen son of Gul Ali Khan and recording the statement of the complainant under Section 154 Cr.P.C., returned from Abbasi Shaheed Hospital. The statement under Section 154 Cr.P.C., recorded at about 0800 hours on 18.07.2024 at the mortuary of Abbasi Shaheed Hospital, is that I, Muhammad Farooq son of Gul Ali Khan, resident of House near Insaf Chowk, Qasori Milk Shop, Raja Tanveer Colony, Sector 11½, Orangi Town, Karachi, reside at the aforesaid address with my family. Today, my brother Yaseen, aged about 25/26 years, who is a driver, left the house at about 0600 hours for his job. Shortly thereafter, I heard the sound of firing and came outside, where I saw my brother Yaseen lying on the ground in a pool of blood. People had gathered there and informed me that, when my brother left the house, two persons who were already present there fired upon him. I immediately called Rescue 1122 ambulance, but meanwhile my brother succumbed to his injuries and was shifted to Abbasi Shaheed Hospital, where the doctor declared him dead. I came to know that my brother had sustained a bullet injury to his neck, with the bullet exiting from his forehead, while another bullet struck his right leg. I suspect that unknown

persons, due to personal enmity, killed my brother Yaseen by firing at him with firearms, hence this FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case due to mala fide and ulterior motives, as he has no concern with the alleged occurrence and, being a poor person, was implicated when he and his family failed to meet the illegal demands of the police; that the occurrence allegedly took place on 18.07.2024 at about 06:00 a.m., whereas the FIR was lodged at about 08:30 p.m. against unknown persons, involving an unexplained delay of approximately 14 hours; that neither any specific role nor description of the applicant was mentioned in the FIR, and the complainant himself admitted in his cross-examination that he had not seen anyone committing the offence and that the names of the accused were disclosed to him by the Investigating Officer; that the alleged eye-witness Gul Ali Khan also admitted that he had not seen any person at the time of occurrence, had not given the names of any accused to the I.O. during investigation, and that the applicant had been shown to him at the police station prior to the identification parade, thereby seriously compromising the evidentiary value and sanctity of the identification parade, which was conducted on 29.07.2024, six days after the applicant's arrest on 24.07.2024, particularly when no description or *huliya* of the applicant was given in the FIR; that the complainant, who is the deceased's close brother, did not mention the presence of his father as an eye-witness in his statements under Sections 154 and 161 Cr.P.C., whereas the prosecution subsequently introduced the father as an eye-witness, rendering the ocular account doubtful; that there is no direct evidence connecting the applicant with the commission of the offence and his alleged presence at the place of occurrence, without any specific role attributed to him, is insufficient to establish his involvement at this stage; that the case against the applicant, at the very least, calls for further inquiry within the meaning of Section 497(2) Cr.P.C.; that the alleged motive is also attributed to co-accused Hamza Afridi on the basis of the alleged statement of lady co-accused Maria, who has already been granted bail, while the said Hamza Afridi has also been granted bail by the learned Trial Court vide order dated 28.02.2026, therefore, on the principle of consistency, the applicant is entitled to the same concession, particularly when his case stands on an even better footing; that the superior Courts have consistently held that benefit of doubt can be extended even at the bail stage; that the learned Trial Court erred in declining bail on the ground that no affidavit of no-objection had been furnished by the complainant and mother of the deceased, as such consideration could not constitute a valid ground for refusal of bail; and

that despite the directions of this Court vide order dated 03.02.2026 to conclude the trial preferably within two months, almost six months have elapsed without any substantial progress, resulting in the applicant's continued incarceration for an unduly prolonged period; hence, the applicant's case squarely falls within the ambit of further inquiry and he is entitled to the concession of bail.

4. Complainant Muhammad Farooq, brother of the deceased and Mashial wife of Gul Ali Khan, mother of the deceased are present in Court and have filed their respective affidavits of no objection, whereby they have expressly stated that they have no objection to the applicant being admitted to bail.

5. Conversely, the learned Assistant Prosecutor General formally opposed the grant of post-arrest bail to the applicant/accused.

6. I have heard the learned counsel for the applicant, complainant and learned Assistant Prosecutor General for the State, and have examined the available record. Admittedly, the occurrence took place on 18.07.2024 at about 06:00 a.m., whereas the applicant was not named in the FIR, which was lodged against unknown persons, nor was any specific role or description attributed to him. The complainant, in his cross-examination, has admitted that he did not see anyone committing the offence, while the alleged eye-witness Gul Ali Khan has also made admissions regarding non-identification of the assailants and having seen the applicant at the police station prior to the identification parade. The identification parade, therefore, requires cautious assessment at trial. The subsequent introduction of the father of the deceased as an eye-witness, despite his presence not having been disclosed in the complainant's statements under Sections 154 and 161 Cr.P.C., also creates a circumstance requiring further inquiry. Moreover, the alleged motive is not specifically attributed to the present applicant, and co-accused Hamza Afridi have already been granted bail, attracting the principle of consistency to the extent applicable. Most significantly, the complainant Muhammad Farooq and mother of the deceased Mashial are present in Court and have filed affidavits expressly stating that they have no objection to the applicant's release on bail, which circumstance, though not determinative of guilt, is relevant in the present bail proceedings. The applicant has also remained incarcerated for a considerable period, while the trial has not progressed despite the earlier direction of this Court for its expeditious conclusion. In light of the above circumstances makes the applicant's

involvement a matter requiring further inquiry within the meaning of Section 497(2) Cr.P.C. Accordingly, the applicant is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.2,00,000/- (Rupees Two Lac only) and a PR Bond in the like amount to the satisfaction of the learned trial court.

7. Before parting, it is observed that the findings recorded hereinabove are purely tentative in nature and shall not prejudice the case of either party during the course of trial. The trial Court shall evaluate the evidence independently and uninfluenced by any observation made in this order.

8. The applicant is directed to ensure regular attendance before the trial Court and shall not, in any manner, attempt to influence or interfere with the prosecution witnesses. Any violation of these conditions may entail cancellation of bail in accordance with law.

J U D G E