

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT HYDERABAD**

Cr. B.A. No. S- 95 of 2017

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<b>DATED</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
06.02.2018	

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For orders on office objection  
For hearing

Mr. Sajid Ali Soomro, advocate for applicants.  
Mr. Shahid Ahmed Shaikh, DPG

**OMAR SIAL, J.**- Applicants Syed Lal Shah and others has sought pre-arrest bail in Crime No. 05 of 2017 registered at Jamshoro police station, Hyderabad under Section 302 & 34 PPC. Earlier, their bail application was turned down by the learned Additional Sessions Judge-I, Kotri on 03.02.2017.

2. The story narrated in the abovementioned FIR lodged by complainant Syed Mehboob Ali Shah on 07.01.2017 is that his brother Syed Zamir Shah contracted marriage with the daughter of his uncle Lal Bux and was also residing at his house. He worked as a security guard in Civil Hospital, Hyderabad. One of his relatives, Syed Murad Ali, was not on good terms with them due to some matrimonial affairs and often said that he will murder Zamir Shah. On 31.12.2016, the complainant along with his two brothers, went for medical treatment to Jamshoro and stayed with his maternal uncle Syed Saleh Shah. In the evening Syed Zamir Shah also joined them. At about 8:00 p.m. Mujahid Hussain @ Akash who was their cousin and brother-in-law of deceased Syed Zamir Shah came and told Syed Zamir Shah that Murad Ali Shah is sitting outside in a car and that he wanted to help in reconciling the differences between Syed Zamir Shah and himself (Murad Ali Shah). The complainant also came outside and saw that Murad Ali Shah along with three other persons was sitting in a car. Syed Zamir Shah sat in the vehicle and they all drove off. On 2-1-2017 the complainant received news that the body of Syed Zamir Shah had been found. The FIR was registered against Murad Ali Shah and Mujahid Hussain @ Akash.

3. I have heard the learned counsel for the Applicants, complainant and learned DPG. My observations are as follows.

This is a blind murder. The Applicants were not identified in the F.I.R nor any role assigned to them. The incident is said to have occurred on 2-1-2017 and the Applicants were included as accused in this case on the basis of a section 164 Cr.P.C. statement of the complainant and his two witnesses, namely Syed Farooq Ali Shah and Syed Jamil Shah (all brothers inter se - recorded on 23-1-2017). The Applicant Bibi Shehnaila is said to be the wife of the deceased whereas Applicant Syed Lal Shah is the complainant's uncle and Applicant Amjad Ali is the complainant's cousin. In their section 164 statements all three witnesses have merely said that they have come to know that the deceased was killed by Murad Ali Shah, Mujahid Hussain and the Applicants. Absolutely no reasoning for their suspicion is given. The delay in recording their statements is also significant. It appears that at this stage, the prosecution is not in possession of any piece of evidence apart from blanket statements of the complainant and the witnesses recorded u/s 164 Cr.P.C to establish a nexus between the crime and the Applicants.

4. For the above reasons, the interim pre-arrest bail already granted to applicants on 6.2.2017 is confirmed on the same terms and conditions.

JUDGE