

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No. 193 of 2022

Date	Order with Signature(s) of Judge(s)
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For hearing of bail application

12.04.2022

Mr. Muhammad Hanif Qureshi, Adv. for applicant/accused.
Ms. Rahat Ehsan, Additional Prosecutor General

Having been rejected his earlier bail application bearing No. 5953 of 2021 by the learned VIth Additional Sessions Judge, Karachi-West, vide order dated 04.12.2021, applicant/accused Ehtisham alias Hazan s/o. Orangzaib through instant bail application seeks post-arrest bail in Crime No. 569 of 2021, registered under section 302/34 P.P.C., at P.S. Ittehad Town, Karachi.

2. It is alleged that, on 17.09.2021, the applicant, co-accused Muhammad Saleem and Mst. Shabana Saleem, in furtherance of their common intention committed *qatl-i-amd* of Ahsan-ul-Haq by tightening his hands with rope and putting pillow on his mouth in house No. 1128, Block "C" Gulshan-e-Ghazi, Balida Town, Karachi.

3. After hearing the learned counsel for the parties and perusing the material available on record, it appears that only evidence the prosecution has to connect the applicant with the commission of alleged offence is the confession of co-accused made to police against him and his confession before police officials whilst he was in police custody, which are inadmissible under Articles 38 & 39 of the Qanun-e-Shahadat Order, 1984; hence, the guilt of the applicant requires further inquiry as envisaged under sub-section (2) of Section 497, Cr. P.C. entitling him for the grant of bail

4. Accordingly, instant application is allowed, and in result thereof the applicant is admitted to post-arrest bail in aforesaid crime/offence subject to

furnishing by him solvent surety in the sum of Rs. 2,00,000/- (*Rupees Two Lacs only*) and PR bond in the like amount to the satisfaction of the trial Court.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant/ applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

JUDGE

Athar Zai