

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appln No.1718 of 2021

Date	Order with signature of Judge
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For hearing of bail application

08.12.2021

Mr. Muhammad Nizar Tanoli, advocate for the applicant
Syed Meeral Shah, APG
Mr. Shariq Naveed, advocate for complainant

AFTAB AHMED GORAR, J.:- Through this bail application, applicant Mohsin Shah son of Muslim Shah seeks bail in Crime No.526 of 2021 registered at Police Station Mominabad, for offences punishable under Sections 302, 324, 34 PPC.

2. Learned Counsel for the applicant submitted that the applicant is innocent and has falsely been implicated in this case. He further contended that there is inordinate delay of two days in lodging the FIR. He also contended that the applicant has been involved by the complainant due enmity. He submitted that all the statements of PWs are contradict to each other and interested one while the CDR also does not support them. He also contended that the investigation has already been completed and the applicant is no more required for investigation. He relied upon the cases of *Bilal Khan vs. The State (2020 SCNR 935)*, *Najeebullah vs. The state (2019 MLD 1505)*, *Adeel Ramzan vs. The State (2021 P.Cr.L.J Note 20)* and *Karim Bux Mari & two others vs. The State (2020 P.Cr.L.J Note 81)*. He submitted that the present applicant may also be enlarged on bail.

3. Learned Additional Prosecutor General assisted by the learned Counsel for the complainant has opposed the bail and submitted that the applicant is involved in a heinous offence where apart from injuring a witness, one Gulnaz Bibi was murdered. They further submitted that the present applicant is also nominated in the FIR with specific role therefore, he is not entitled for concession of bail at this stage. They

further contended that the applicant has failed to make out a prima facie case in his favour therefore he does not deserve any leniency and as such prays that the bail application of the applicant may be dismissed.

4. I have heard the learned Counsel for the applicant, learned Deputy Prosecutor General, learned Counsel for the complainant and perused the record available before me.

5. Perusal of record reveals that the name of the applicant has been transpired in the FIR and deceased Gulnaz Bibi was first stopped by the accused persons including the applicant and then murdered at the spot by causing fire arms injuries whereas PW Jawad who is also injured of the incident supported the case of the prosecution in his statement recorded under section 161 Cr.P.C. Record further demonstrates that the applicant is also involved in Crime No.273/2018 registered at P.S Mominabad under sections 147/148/382/427/504/337A(ii) PPC in which he had absconded hence the learned trial Court declared him proclaimed offender. Though the learned Counsel for the applicant has referred several cases laws of High Court as well as Hon'ble Supreme Court of Pakistan, however perusal of those judgments reveals that those are distinguishable from the case in hand and as such with all respect to those judgments, same could not be considered for the case under discussion.

6. In view of above discussion, I am of the view that the applicant is prima facie linked with the commission offence, therefore, is not entitled for concession bail. The instant bail application has, as such, no merits and same is hereby dismissed.

7. Needless to mention that this is tentative assessment for the purpose of this petition only, which shall not affect/influence trial of this case in any manner.

JUDGE