

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No. 936 of 2022**

---

Date Order with signature of Judge

---

For hearing of bail application

**02<sup>nd</sup> December 2022**

Mr. Muhammad Saeed-uz-Zaman advocate for the applicant  
Ms. Rahat Ahsan, Addl. Prosecutor General Sindh.

-----

**Salahuddin Panhwar, J.-** It is alleged that the applicant with one more culprit in furtherance of their common intention committed murder of Mst. Saima and caused fire arm injuries to P.W Nazeer Ahmed, hence the instant case was registered against them. Initially the applicant approached to the learned trial Court for post arrest bail, but the same was declined vide order dated 13.04.2022.

2. Learned counsel for the applicant contends that the applicant is innocent and has falsely been implicated in this case by the police; that no role has been attributed to the applicant; that recovery has been foisted upon the applicant; that there are material discrepancies in the evidence of prosecution witnesses who have been examined by the trial Court; that postmortem report does not disclose whether the injuries were caused by repeater or pistol, therefore, he prayed for release of the applicant on bail.

3. On the other hand, learned Addl. Prosecutor General opposed the grant of bail to the applicant on the ground that applicant is named in the FIR; on his pointation pistol allegedly used in the commission of the offence has been recovered and evidence of material witnesses has been recorded and it is expected that it will be concluded in near future. She has relied upon case law reported as **Muhammad Nawaz v. the State (2002 SCMR 1381)**

4. Heard and perused the record.

5. Admittedly, the applicant is nominated in the FIR; incriminating weapon has allegedly been recovered on the pointation of the applicant. Admittedly the evidence of material witnesses has been recorded by the learned trial court and the trial is likely to conclude shortly; the medical evidence reflects fire arm injury; the offence with which applicant is charged entailing capital punishment thus falling within the prohibitory

clause of section 497, Cr.P.C, therefore, in these circumstances, any observation regarding merit or otherwise at this stage would prejudice the case of either party. In the case of **Muhammad Nawaz v. the State (2002 SCMR 1381)**, the Hon'ble Apex Court has held as under:

“Since, the trial is likely to be concluded in the near future as such, we are deliberately not attending to the merits of the case least it may prejudice the case of either party. In this view of the matter, we are not inclined to grant concession of post-arrest bail to the petitioner at this stage”.

6. For the forging reasons, the instant bail application is dismissed. However, learned trial Court is directed to conclude the trial within two months.

7. 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.

JUDGE

Sajid