

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 1912 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

28th April, 2022

Mr. Imtiaz Ali, Advocate for applicants.

Mr. Talib Ali Memon, A.P.G.

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Omar Sial, J : Muhammad Hanif and Zulfiqar Ali Brohi have sought post arrest bail in Crime No. 115 of 2021 registered u/s 302, 311, 201 and 34 P.P.C. at the Makli police station. Earlier, their application seeking bail was dismissed on 28-9-2021 by the Learned First Additional Sessions Judge Thatta.

2. A background to the case is that the aforementioned FIR was registered on 14-8-2021 on the complaint of S.I. Muhammad Pitafi reporting an incident which occurred on 11-8-2021. Pitafi recorded that he received spy information on 14-8-2021 which told him that on 10-8-2021 one girl by the name of Nazia who was 14 or 15 years old was murdered and that on 11-8-2021 one boy named Imam Deen was also murdered in village Imam Bux Brohi and that the corpses of both were buried at unknown places. The killings, according to the spy information, were on account of karokari. Pitafi along with a police party reached the village and further got to know that a faisala was held under the chairmanship of Ayaz Ali Brohi and in that faisla it was decided that Nazia and Imam Deen should be killed and their killing and burial be kept secret. I have heard the Learned Counsel for the Applicants as well as the Learned APG. In spite of repeated notices, no one appeared from the victims' families. Upon coercive action being taken, the grandmother and mother of the victim Nazia came and stated that the two Applicants were innocent and that Nazia had committed suicide. Learned APG on the other hand, admitted that there was not a shred of evidence against the Applicants and that certain items were recovered from the house of co-accused Ayaz but that Ayaz has ostensibly been granted bail. Learned APG, however, vehemently opposed the bail on the ground that this was a case of karokari. The Learned Counsel for the Applicant maintained one argument i.e. there is no iota

of evidence against the Applicants and that they have been arrested and put in custody solely so the police can show that it has solved a case.

3. I strongly appreciate the stance taken by the Learned APG. This Court has noticed in a number of cases that accused in similar cases go unpunished only because the families of the respective victims and their neighborhoods do not provide evidence, to the contrary, do everything they can to conceal such offenses. This Court has in the past also directed the Prosecutor General Sindh and Inspector General Sindh to devise a strategy whereby a meaningful investigation can be held in line with modern techniques which are available to the law enforcement agencies. In the present case too, it is an admitted fact that there is no evidence either ocular or documentary which would establish the nexus of Applicants with the murders of Nazia and Imam Deen. I am therefore constrained to admit the two Applicants to bail, subject to their furnishing solvent sureties in the sum of Rs. 200,000 each and a PR bond in the like amount to the satisfaction of the Learned Trial Court.

JUDGE