

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1884 of 2020

Date order with signature of Judge

For hearing of bail application.

14th December, 2020

Mr. Muhammad Haseeb Jamali, advocate for applicant.
Mr. Talib Ali Memon, APG. a/w SIP Sharafat, I.O. of the case.

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Omar Sial, J: Tabish Yaseen Qureshi has sought post arrest bail in crime number 433 of 2020 registered under sections 354, 337-J, 506, 322 and 34 P.P.C. at the Gizri police station in Karachi. Earlier, his application seeking bail was dismissed on 30.11.2020 by the learned 8th Additional Sessions Judge, Karachi South.

2. A brief background to the case is that one Maha Ali Shah on 18-8-2020 shot and killed herself in the bathroom of her room. It is an admitted position that the young lady committed suicide. Junaid Khan, Waqas Hasan Rizvi and Dr. Irfan Qureshi were nominated as accused in the said F.I.R. It was alleged by the family of the deceased that Maha committed suicide due to the bad habits those 3 persons had introduced to her as well as due to the abusive relationship which she had with Junaid Khan for the last 4 years.

3. The applicant Tabish Yaseen Qureshi was nominated as an accused at a later stage as it was alleged that he had given Maha the weapon with which she had shot herself.

4. I have heard the learned counsel for the applicant as well as the learned APG. My observations are as follows.

5. An offence under section 354 as well as 506 P.P.C. are bothailable offences. As regards the offence under section 337-J P.P.C., the Industrial Analytical Center at the University of Karachi, to whom blood samples collected from the scene of incident were sent, has opined on 8-9-2020 that no narcotic or poisonous substances were detected in the blood samples. The offence under section 322 P.P.C. (*qatl bis sabab*) is punishable by the payment of diyat. Though

not clear from the challan, it appears that Tabish is accused of an offence only under section 322 P.P.C.

6. The weapon in question is not registered in the name of Tabish Qureshi but in the name of one Saad Siddiqui. Saad is also in custody but took the position that he had “sold” the weapon to Tabish who then gave it to Maha. The investigating officer of the case however confirmed that the record that he has obtained and perused does not show Tabish as the owner of the weapon. The only evidence that the investigating officer has in this regard to date is the statement of the co-accused Saad Siddiqui. The veracity of Saad’s statement will have to be evaluated and tested at trial when evidence is led. The F.I.R. lodged by the family of the deceased in itself reflects that Maha had wanted to marry Tabish and it is alleged that this relationship of hers had upset Junaid and was perhaps the catalyst for Maha to commit suicide. In such circumstances, upon a tentative assessment, there appears to be no reason for Tabish to aid and assist Maha’s suicide. Tabish has already on 18-11-2020 been granted bail in the case registered under section 25 of the Sindh Arms Act, 2013 (FIR No. 427 of 2020).

7. For the aforesaid reasons, Tabish was admitted to post arrest bail vide a short order dated 9.12.2020.

JUDGE