

THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No. 624 of 2023

For hearing of Bail Application.

Applicant/ Accused : Muhammad Saqib son of Muhammad Sadiq through Mr. Kher Muhammad, Advocate.

Complainant/State : Through Ms. Rahat Ehsan, Additional Prosecutor General Sindh.

Date of hearing : 17-04-2023

Date of order : 17-04-2023

*FIR No. 253/2022
U/s: 302/109/34 PPC
P.S. Malir City.*

ORDER

Adnan Iqbal Chaudhry J. - The Applicant/ Accused seeks post-arrest bail in the aforesaid crime after the same had been declined by the Additional Sessions Judge-VII, Malir, Karachi by order dated 08-03-2023.

2. The Complainant is served but is called absent. As per the FIR, on 21-05-2022 one Usama Hussain (deceased), who resided on the ground floor of the same building as the Complainant, had left on his motorcycle at 01:00 a.m. informing his mother that he has to collect a payment; that latter it was learnt that the deceased has been shot. The FIR was lodged against unknown persons for the murder of the Deceased.

Heard the learned counsel, the APG Sindh and perused the record.

3. As per the investigation, a CCTV footage revealed that two persons riding a motorcycle had shot the Deceased while he was sitting on a cement pipe; however, since it was dark and the footage was not of quality, the faces of the perpetrators could not be made out. The Applicant was not nominated in the FIR. He was arrested after the deceased's mother had stated in her statement under section 161 Cr.P.C. that the deceased had a money dispute with the

Applicant; that on the fateful night the deceased had informed that he had received a call from the Applicant to come and collect the money. Such statement of the mother of the deceased on the one hand, and the investigation on the other hand that the deceased was shot at by two unidentifiable persons while he was waiting sitting on a cement pipe do not appear to be reconcilable facts thus far. The firearm used in the offence has also not been traced. Thus, the case against the Applicant is one of further enquiry falling within the ambit of sub-section (2) of section 497 Cr.P.C. Therefore, the Applicant is granted bail subject to furnishing solvent surety in the sum of **Rs. 300,000/- [Rupees Three Hundred Thousand Only]** alongwith P.R. Bond in like amount to the satisfaction of the Nazir of this Court.

Needless to state that observations herein are tentative and nothing herein shall be construed to prejudice the case of either side at trial.

SHABAN*

JUDGE