

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2351 of 2023**

Applicant : Muhammad Shahrukh
through M/s. Iftikhar Ahmed Shah and
Muhammad Sulleman Bajeer, Advocates

Respondent : The State
through Mr. Muhammad Iqbal Awan, Addl.P.G.

Complainant : Hafiz Adnan Qureshi
through Mr. Nawabuddin Shar, Advocate

Date of hearing : 5th December, 2023

ORDER

OMAR SIAL, J.: Mohammad Shahrukh has sought post-arrest bail in crime number 414 of 2022 registered under sections 302 and 34 P.P.C. at the North Nazimabad police station. His earlier plea seeking bail was dismissed on 11.10.2023 by the learned 7th Additional Sessions Judge, Karachi Central.

2. The F.I.R. mentioned above was lodged on 28.08.2022 on the complaint of Hafiz Adnan Qureshi. Adnan reported that the previous day i.e. 27.08.2022 he was informed over the phone by his brother-in-law that his brother Hafiz Mohammad Suleman had been shot dead. Suleman had left the home earlier on his motorcycle to visit his friend when some unidentified persons had shot and killed him.

3. I have heard the learned counsels for the applicant, the complainant, and the learned Additional Prosecutor General. My observations and findings are as follows.

4. The case has been very ably explained to me by the learned Additional Prosecutor General. Briefly put, it is that allegedly Suleman (the deceased) had a lover named Akhtar. Akhtar was upset with Suleman as

Suleman was blackmailing him on this account. Akhtar asked the applicant Shahrukh to kill Suleman as Shahrukh was having an affair with Suleman's sister. Akhtar gave a pistol to Shahrukh to do the job. Shahrukh hired two assassins, Aamir and Shahid, to fulfil the task. Upon query as to how the prosecution gathered all this information, the learned Additional Prosecutor General replied that the whole story had been told to the investigating officer by Akhtar, who had been arrested first. No evidence has been gathered to date by the investigating officer to corroborate the story Akhtar gave. No details of the affairs the players were allegedly having, neither Akhtar and Suleman or Shahrukh and Suleman's sister, which was the cause of the murder have been collected. No statements in this regard have been recorded. What I also find extremely unnatural is that according to the police Aamir (one of the alleged hired assassin) told the police that he had gotten cooked some *daigs* from Shahrukh (Akhtar and Shahrukh are both caterers working in the same set-up) and had not paid him for it. Shahrukh told Aamir that he won't take the money from him, if he kills Suleman in return. I find this not plausible upon a tentative assessment. It is highly unusual that a caterer would ask a customer of his, who was not even earlier known to him, that he should commit a murder for him in lieu of the money owed for the *daigs*. The license of the pistol, which was allegedly owned and licensed to Akhtar, has still not been collected as evidence by the investigating officer. At the moment there are several aspects of the case which create doubt, the benefit of which can go to Shahrukh at this bail stage. The case against him is one of further inquiry.

5. Given the above, the applicant is admitted to post-arrest bail subject to his furnishing a surety in the amount of Rs. 200,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE

