

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 277 of 2024
(Yousuf v. The State)

Date	Order with signature of Judges
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For hearing of bail application

09.05.2024

Mr. Tahir Khan, advocate for the applicant
Mr. Ajab Khan Khattak, advocate for the complainant
Ms. Seema Zaidi, Additional Prosecutor General for the State

It is alleged that the applicant and others abducted baby Farida a girl aged about eight years and then murdered her, for which the present case was registered.

The applicant having been refused bail by learned Xth-Additional Sessions Judge, Karachi, West, has sought the same from this Court by way of instant bail application u/s 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police; the FIR of the incident has been lodged with a delay of about two days; none has seen the applicant committing the death of the deceased and he is in custody since one year, therefore, he is entitled to be released on bail on point of further inquiry. In support of his contentions, he relied upon the case of *Javid Khan v. Arshid Khan & ors* (PLD 2024 SC 73).

Learned APG for the state and learned counsel for the complainant have opposed to release of the applicant on bail by contending that the applicant and others to satisfy his dispute with the complainant abducted her daughter when it was not satisfied then they brutally committed her murder.

Heard arguments and perused the record.

The applicant is named in FIR with the allegation that he with the rest of the culprits abducted baby Farida a girl aged about eight years and then committed her murder; when the complainant failed to come to terms with family. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant. The delay in lodgment of the FIR by two days is well explained in the FIR itself; the same even otherwise could not be resolved by this Court at this stage. No doubt none has indeed seen the applicant committing the death of the deceased but there could be made no denial to the fact that the applicant with the rest of the culprits abducted the deceased intending to commit her murder and then satisfied their intention by committing her murder in a very brutal manner. The applicant may be in custody for about one year but it is too short to release him on bail in a case like the present one which entails the death penalty/ imprisonment for life. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged. No case for release of the applicant on bail is made out.

The case law which is relied upon by the learned counsel for the applicant is on distinguishable facts and circumstances. In that case, the deceased first was found missing and then was found dead. In the instant case, the applicant and others allegedly abducted the deceased and then murdered her.

Under the given circumstances, the instant bail application is dismissed accordingly.

J U D G E

Nadir*