

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 741 of 2024
(*Abdullah v. The State*)

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| Date | Order with signature of Judges |
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For hearing of bail application

29.05.2024

Mr. Shahzeb Akhtar Khan, advocate for the applicant
Ms. Shahida Karim Abbasi and M/s. Hassan Afzal Janjua and M.
Tariq, advocates for the complainant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicant with the rest of the culprits during the robbery murdered Nasim Javed and Babar Tanveer, 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 the learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the police at the instance of the complainant otherwise he has nothing to do with the alleged incident, therefore, he is entitled to be released on bail on the point of further inquiry, which is opposed by the learned Assistant Prosecutor General for the State and learned counsel for the complainant by contending that the name of the applicant has transpired in investigation and he is vicariously liable for the incident.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about two days, yet it does not contain the name of the applicant; it was disclosed by P.W Mst. Nayab Fatima widow of deceased Nasim Javed by making statement u/s 161 Cr.PC; it was recorded with a delay of more than 05 months to the actual incident. No plausible explanation

for such delay is offered. There is no recovery of any sort from the applicant. There is no likelihood of absconsion or tampering with the evidence on the part of the applicant. In these circumstances, a case for the release of the applicant on bail on the point of further inquiry is made out.

Under the given circumstances, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.200,000/- (Rupees Two Lacs Only) and P.R bond in the like amount to the satisfaction of the trial Court.

Instant bail application is disposed of accordingly.

J U D G E

Nadir*