

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.627 of 2024

Applicant : Zulfiqar son of Gul Hassan
through Mr. Khalid Hussain, Advocate

Complainant : Lutuf Ali son of Wazir Ali
Present in person.

Respondent : The State
Through Mr. Saleem Akhtar Buriro, Addl.
P.G. Sindh

Date of hearing : 09.07.2024

Date of order : 09.07.2024

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.210/2022 for the offence under Sections 302, 109, 34 PPC at PS Malir Cantt., after his bail plea has been declined by Addl. Sessions Judge-VIII, Malir, Karachi vide order dated 17.02.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, the applicant is innocent and has falsely been implicated in this case; that sons of the complainant/brothers of the deceased have given "No Objection" on affidavit that if bail is granted to the accused, they would have no objection, copies of which have also been filed by the learned counsel. Lastly, he submits that on the basis of these affidavits, the applicant is entitled for concession of bail.

4. On the other hand, learned Addl. P.G. submits that since the case falls within the definition of Section 302 PPC and further submits that in view of the affidavits filed by sons of the complainant/brothers of the deceased, they will change the evidence and will compromise with the accused person, as such, learned trial Court may be directed to insert Section 311 PPC (Fasad-fil-arz) while framing the charge.

5. Heard and perused. From perusal of record, it reflects that name of the applicant appears in the FIR with specific allegation

that he has killed Mst. Waderi. The ocular evidence finds support from the medical evidence. So far as filing the affidavits is concerned, there is no provision to entertain the same at bail stage. From the conduct of legal heirs of the deceased, it appears that innocent woman has been murdered by the accused, as such, Section 311 PPC is also applicable in this case.

6. In view of above, learned counsel for the applicant has failed to make out a case for grant of post-arrest bail in terms of subsection 2 of Section 497 Cr.P.C. Accordingly, the instant Bail Application is **dismissed**.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Kamran/PA