

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Criminal Bail Application No. 553 of 2024  
(Hamza versus The State)

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Date	Order with signature of Judges
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For hearing of bail application

**30.04.2024**

M/s. Muhammad Farooq Khan and Gulsher Baloch, advocates for the applicant  
Mr. Shukat Ali Phull, advocate for the complainant  
Mr. Mumtaz Ali Shah, APG

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It is alleged that the applicant with the rest of the culprits in furtherance of their common intention murdered Muhammad Fayaz by causing him fireshot injuries, for which the present case was registered.

The applicant, on having been refused bail by learned Vth-Additional Sessions Judge, Karachi, Central, has sought for 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 one day and there is no recovery of crime weapon from the applicant and there is nothing on record which may suggest that it was the applicant who caused fire shot injuries to the deceased and more-so co-accused Naveed Alam and two others have already been admitted to bail by learned trial Court, therefore, the applicant is entitled to be released on bail on point of consistency and further inquiry.

Learned APG for the state and learned counsel for the complainant have sought for dismissal of the instant bail application by contending that the applicant was apprehended on the spot by a passerby public soon after the incident and his case is distinguishable to that of co-accused who have already been admitted to bail by learned trial Court.

Heard arguments and perused the record.

The applicant has been named in FIR with the allegation that he with the rest of the culprits went over to the deceased and murdered him by causing him fireshot injuries; soon after the incident, he was apprehended at the spot by a passerby public as a culprit of the incident which constitutes an act of vicarious liability on his part. Of course, there is no recovery of crime weapon from the applicant and it is not indicated that it was he who fired at the deceased, but for this fact alone it would be hard to conclude that he being innocent has been involved in this case falsely by the police. The deeper appreciation of the facts and circumstances is not permissible at the bail stage. The delay in the lodgment of the FIR by one day was natural in a case like the present one, same even otherwise, could not be resolved by this Court at this stage. The case of the applicant is distinguishable from that of co-accused Naveed Alam and two others as their names were disclosed by the applicant. The offence in the face of it appears to be heinous and is affecting the society at large. 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.

Under the given circumstances, the instant bail application is dismissed with direction to the learned trial Court to expedite the disposal of very case against the applicant and to dispose of the same preferably within three months after receipt of a copy of this order.

Order accordingly.

J U D G E