

# IN THE HIGH COURT OF SINDH, KARACHI

## **Criminal Bail Application No. 1347 of 2024**

<i>Date</i>	<i>Order with signature of Judge</i>
<b>Applicant</b> Ch. Galib Hussain son of Ch. Muhammad Munir	: through Mr. Muhammad Baqar Mehdi, Advocate
<b>The State</b>	: through Mr. Saleem Akhtar Buriro, Addl. Prosecutor General, Sindh.
<b>Date of Hearing</b>	: 07.10.2024
<b>Date of Order</b>	: 07.10.2024

### **ORDER**

**Muhammad Saleem Jessar, J:-** Through this application, applicant Ch. Galib Husain seeks his release on post arrest bail in Crime No.76 of 2024 registered with P.S Zaman Town, Karachi for the offence punishable to Section 397, 302 PPC read with Sections 404, 412 & 34 PPC. The applicant filed Criminal Bail Application No.2586 of 2024 before the Court of Sessions which subsequently was assigned to Addl. Sessions Judge-I/MCTC, Karachi (East), who, after hearing the parties, has declined the request so made vide order dated 03.06.2024. Hence, instant application has been maintained.

2. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.

3. On the last date of hearing, complainant Ayaz Uddin was present and stated that he had no means to engage a counsel on his behalf; however, had shown his trust upon the Prosecutor. He further stated that though the mobile phone of deceased was recovered from the possession of present applicant yet he believe that accused is not the real culprit of the offence who committed murder of his son, which according to him, was committed by co-accused Arman, Qadir @ Pandit, Yaseen and Ch. Inayat, who are in custody.

4. In compliance of directions contained under previous order, learned counsel for the applicant places on record a No Objection Affidavit duly sworn in by the complainant, under the cover of his statement dated 07.10.2024, taken on record. He, therefore, prays for grant of bail application.

5. On the other hand, learned Addl. P.G, Sindh appearing for the State, opposes the bail application on the ground that offence with which applicant stands charged, is not compoundable, therefore, Affidavit sworn in by the complainant is not much of consequence. He, therefore, submits that by discarding the Affidavit duly sworn in by the complainant, instant bail application may be dismissed.

6. Heard arguments, record perused. Admittedly, name of the applicant finds place in the FIR and the evidence collected against him by the prosecution is that he allegedly purchased cellphone of the deceased from a shop, on which basis, he was arrested. As far as, role of committing murder or robbery, is concerned, that has been assigned to co-accused Arman, Qadir @ Pandit, Yaseen and Ch. Inayat, who are in custody and the accused has been charged for section 404 PPC read with section 412 PPC. The complainant who himself is the victim as well as father of deceased, raises no objection through his Affidavit, therefore, case against applicant requires further inquiry. Consequently, instant Criminal Bail Application is hereby allowed. Applicant **Ch. Galib Hussain son of Ch. Muhammad Munir** shall be released on bail subject to furnishing his solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousands Only) and P.R Bond to the satisfaction of learned trial Court.

8. Needless to observe that the observations made hereinabove are tentative in nature and the learned trial Court shall not be prejudiced by any such observations and shall decide the case on merits in view of the evidence available on record.

**JUDGE**

Zulfiqar/P.A