

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

Criminal Bail Application No.S-1195 of 2024

Applicant : Muhammad Yousaf (in custody).
Respondent : The State through Mr. Irfan Ali Talpur A.P.G. Sindh
along with SIP Nisar Ahmed PS Mehrabpur.
Complainant : None present.
Date of hearing : 28.11.2024.
Date of Order : 28.11.2024.

ORDER.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Muhammad Yousaf seeks post-arrest bail in Crime No.64/2024, registered at Police Station Gupchani, District Shaheed Benazirabad for the offence under section 302, 201, 114, 311, 34 PPC. Earlier the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-II, Shaheed Benazirabad vide order dated 25.10.2024.

2. The details of the FIR are included in the bail application and its attached copy, so there is no need to restate them here.

3. The instant bail application was presented on 30.10.2024 and first time it was fixed before the Court on 04.11.2024. Notices were issued and matter was adjourned to 18.11.2024. On 18.11.2024, Mr. Pervaiz Tarique Tagar advocate held brief on behalf of learned counsel for the applicant, as such, matter was adjourned for today. Today, neither counsel for the applicant is in attendance nor any intimation is received. As such, I have no option except to decide instant bail application on the basis of material available on record with the assistance of learned A.P.G. Sindh.

4. From perusal of record, it reflects that the FIR of the incident in respect of the alleged murder of Mst. Zar Bibi Zardari was registered on 08.09.2024 by Inspector Muhammad Iqbal Abbasi, following a directive from the SSP of Shaheed Benazirabad through letter No. CBR-4008 dated 06.09.2024. The body of Mst. Zar Bibi Zardi was found between 1500 and 1700 hours on 24.08.2024 and buried by her relatives without a postmortem. The family claimed she died by suicide, which was later reported in Kawish newspaper. On 31.08.2024, Inspector Sanaullah Panhwar was assigned to investigate the case. His inquiry revealed that Mst. Zar Bibi, known as "Nani" to her parents, had a relationship with a man from the Gopang community, District Khairpur, and had

previously eloped with him. She was later brought back by her father, Muhammad Yousuf Zardari, and relative Sher Khan Zardari, who received Rs. 1,600,000/- from Ameer Bux alias Dhollo Zardari. Mst. Zar Bibi was unwilling to marry her fiancé, Nabi Bux, due to her affection for the Gopang man. On the day of her death, between 1500 and 1700 hours, the accused Muhammad Yousuf, Ali Raza alias Matlo, and Ali Ghulam on the instigation of Sher Khan Zardari, murdered Mst. Zar Bibi by strangulation, accusing her of being a 'Kari'. They then buried her body in a nearby graveyard, without observing necessary legal formalities i.e. a postmortem, hence, the FIR was registered on behalf of the state. The accused have attempted to conceal / destroy the evidence of the offence but only stated her suicidal death. Even, if it was suicidal death they were supposed to get post mortem conducted and have not buried the dead body of deceased without post mortem. Such conduct manifestly amounts an attempt for tampering with the evidence also. This is an incident of honor killing. The courts cannot overlook this very fact of the honor killing. When such type offenses occur in the society and no report is lodged then it is duty of the State to dig out the truth in order to bring the responsible before the Court of law. *Prima facie*, at this stage, the circumstantial evidence connects the applicant in the commission of offence. Learned A.P.G. Sindh opposes the grant of bail in favour of applicant by contending that the applicant is very much involved in the commission of offence, hence, he is not entitled for the concession of bail.

5. In view of the above facts and circumstances, I find that no case is made out for further inquiry. Consequently, instant criminal bail application is **dismissed**.

6. 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