## ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI Crl. Bail Application No. 1207 of 2018.

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Date

Order with signature of Judge

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For hearing of bail application.

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## 25.10.2018

Mr. Muhammad Ali Ansari, Advocate for Applicant.

Mr. Abrar Ali Khich, Deputy P.G. Sindh.

Mr. Gul Hasan Hub, Advocate for Complainant.

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Through instant bail application, applicant seeks post arrest bail in FIR No. 244/2018, under Sections 302/34 PPC registered at P.S. SSHIA, Karachi.

- 2. Precisely, the relevant facts as narrated in the FIR are that son of complainant namely, Muhammad Siddique, got married with one Saira in native village about 9/10 months ago against the will and wishes of her parents and they came to Karachi where he was working as labourer. It is alleged that on 02.07.2018 present applicant/accused along with other coaccused came at the shop of his relative, situated at Jahanabad, where they opened firing resultantly Muhammad Siddique, (Son of complainant) died at the spot.
- 3. Heard arguments and perused the record.
- 4. Record reflects that the applicant/accused is nominated in the FIR with specific role; alleged motive is marriage with Saira against the will and wishes of applicant and brothery (clan). All the witnesses have supported the version of the complainant as disclosed in the FIR. The presence of the applicant/accused at the scene of offence is not disputed, however, the contention of learned counsel that mere presence of the

applicant/accused at the scene is not sufficient to disentitle him from the concession of bail is not helpful particularly when motive is fully disclosed by the complainant on account of admitted enmity so much so the accused persons in furtherance of their common intention jointly came to the scene of offence with intention to commit murder of the deceased; plea of alibi cannot be considered at bail stage. Keeping in view of given circumstances, prima-facie, reasonable grounds exist to believe that applicant/accused is guilty of the offence charged with, therefore, I am of the considered view that the learned counsel for the applicant has not been able to make out a case of further inquiry. The bail application being devoid of merits is **dismissed** accordingly.

Needless to mention that the above observations are purely tentative in nature and would not prejudice to the merits of case. Besides, trial court shall conclude the trial within six months from the date of receipt of this order.

**JUDGE** 

Sajid