

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.2900 of 2023

24.06.2024

Khawaja Muhammad Azeem, Advocate for applicant.
Mr. Muhammad Iqbal Awan, Addl. P.G.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Junaid is seeking pre arrest bail in Crime No.672/2023 U/s 302,324, 34 PPC registered at P.S. Korangi. He was admitted to interim pre arrest bail vide order dated 22.12.2023 and today matter is fixed for confirmation of his interim pre arrest bail or otherwise.

2. Complainant in FIR has stated that he had come to know through his mother on 26.11.2023 that two persons on a motorcycle had opened fires, critically injuring his brother Junaid and one Muhammad Rafique and that she was taking them to hospital. He rushed to the hospital but meanwhile his brother had succumbed to his injuries and died. Hence he appeared at P.S on 27.11.2023 and lodged the FIR stating that he had come to know that present applicant had murdered his brother and injured another.

3. Learned counsel for applicant submits that material against the applicant is sketchy, there is no direct evidence against him; injured in his 164 Cr.P.C statement has materially belied story of the FIR by stating that one accused was wearing a helmet and other was wearing Burqa.

4. On the other hand, learned Addl. P.G has opposed the bail stating that the applicant is a known history sheeter and against him 10 cases of robbery are registered and there are atleast three eyewitnesses implicating the applicant in the offence in 161 Cr.P.C statements. Deceased Junaid was a police informer, on whose instance applicant had been sent to jail so many times, he was annoyed and has murdered him. This all material has been collected against him in the investigation.

5. I have heard the parties and perused material available on record. Although in the FIR, the complainant has shown suspicion over the applicant of his involvement in murder of his brother but in the investigation statements of three eyewitnesses u/s 161 Cr.P.C have been recorded, who have implicated prima facie applicant in the offence, which carries capital punishment. The

difference in 164 Cr.P.C statement of another eyewitness, who was injured needs deeper appreciation, which is to be undertaken by learned trial court. Prima facie, applicant appears to be involved in a heinous offence of murder and does not appear to be entitled to extra ordinary concession of pre arrest bail meant to be extended to innocent person implicated in the case falsely. In view of above, this bail application is dismissed and interim pre arrest bail granted to the applicant is hereby recalled.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The Cr. bail application stands disposed of in the above terms.

J U D G E

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