

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.2393 of 2024

Applicant : Abdul Mehmood @ Bagga S/o Abdul Shakoore  
through Mr. Tahir Akram Awan, Advocate  
a/w Ms. Rehana Mirani, Advocate

Respondent : The State  
through Ms. Rubina Qadir, Addl. P.G. a/w  
SIP Haroon Bullo of PS Surjani Town

Date of hearing : 06.03.2025

Date of order : 06.03.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.1115/2023 for the offence under Section 302/34 of PS Surjani Town, Karachi, after his bail plea has been declined by the Addl. Sessions Judge-III, Karachi West vide order dated 31.05.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that the FIR is delayed about five days for which no plausible explanation has been furnished; that this is an unseen and unwitnessed incident but only on the basis of VIGOTELL mobile recovered from the possession of the applicant, he was implicated in this case, otherwise no evidence is available with the prosecution; that the applicant is in jail and is no more required for further investigation. Lastly, he prays for grant of bail.

4. On the other hand, learned Addl. P.G. has opposed for grant of bail and submits that VIGOTELL mobile belongs to the deceased was recovered from the possession of the applicant. However, when it was confronted whether any substantial evidence is available to connect the applicant with the commission of offence, she did not reply satisfactory.

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that this is an unseen and unwitnessed incident and on the basis of suspicious, the present applicant has been booked in this case, otherwise there is no direct evidence which connects the applicant with the commission of offence. Furthermore, the I.O. of the case and learned Addl. P.G. submitted that the mobile of the deceased was recovered from the possession of the applicant; however, learned counsel for the applicant submits that nothing was recovered from the applicant but due to enmity, he has been booked in this case. The FIR was registered in the year 2023 since then no progress is made, however, the applicant is in jail and is no more required for further investigation. His further detention will not improve the case of prosecution. Reliance is place in an unreported case of the Hon'ble Supreme Court of Pakistan in the case of **Jahzeb Khan vs. The State through A.G. KPK and others** in Criminal Petition No.594/2020; wherein the Hon'ble Supreme Court has held that:

**“4..... Petitioner’s continuous detention is not likely to improve upon investigative process, already concluded, thus, he cannot be held behind the bars as a strategy for punishment. A case for petitioner’s release on bail stands made out.”**

7. In view of the above, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The applicant/accused named above is granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- and P.R. bonds in the like amount to the satisfaction of learned trial Court.

8. 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/accused on merits.

JUDGE