

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.89 of 2024.

Date	Order with Signature of Judge
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For hearing of Bail Application.

15.03.2024.
Mr. Muhammad Nizar Tanoli, Advocate for the Applicant.
Mr. Mumtaz Ali Shah, Asstt. Prosecutor General Sindh.
Ch: Muhammad Saeed-uz-Zaman, Advocate for Complainant.

Muhammad Karim Khan Agha, J. Applicant has been booked in in Crime No.342 of 2023 u/s.302/ PPC registered at PS Pakistn Bazar, Karachi. He applied for post arrest bail which was declined by the IVth Additional Sessions Judge (West) Karachi vide order dated 04.01.2024. Hence the applicant has approached this Court for post-arrest bail.

2. Brief facts of the case are that on 22.09.2023 Muhammad Humayun at about 4 pm proceeded to Nazimabad from his workshop to bring color accessories. At about 1730 hours a call was made to his phone but could not be reached on his mobile phone. His dead body, however, found at Sector 14-C Graveyard. He had committed suicide and the police informed the complainant Jehangir Haider about this incident. The pistol which had caused death/suicide of the deceased and was found near dead body of deceased Muhammad Humayun belongs to the applicant. Hence the aforesaid FIR was lodged against the applicant on the basis of suspicion.

3. I have heard the learned counsel for the parties and perused the record.

4. Although the FIR has been filed under Section 302 PPC. After police investigation the challan found that it was a case of suicide hence the same was filed under ‘A’ class, however, the Judicial Magistrate did not agree with the challan and decided to proceed with the matter under Section 302 PPC. There is no eye witness of the murder / suicide. The only piece of evidence against the applicant is that the pistol, which was found near dead body of the deceased, belongs to the applicant/accused. Applicant has already been in jail for the last six months. The forensic report also indicates that gunpowder was found on the right hand of the

deceased which prima facie tends to suggest this might be a case of suicide. The applicant has been in jail for almost 05 months. Charge has not yet been framed and there are still 20 PWs to be lead which cannot be completed in near future. The applicant is no longer required for investigation.

5. Based on the above discussion I find that this is a case of further inquiry, I hereby admit the applicant **Syed Shabbir Hussain Naqvi @ Shabbar s/o Syed Muhammad Hussain Naqvi** to post arrest bail subject to furnishing his solvent surety in the sum of Rs.2,00,000/- (Rupees Two Lacs Only) and P.R. bond in the like amount to the satisfaction of the trial Court.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed to decide the case on merits expeditiously. Copy of this order shall be sent to concerned trial Court for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE

MAK/PS