

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2595 of 2025

Applicant : Jalal son of Qadir Malkani Baloch
through Mr. Ahmed Hussain Jokhio, Advocate

Complainant : Mst. Gul Bano through Mr. Aizaz Hussain Shah
Advocate.

Respondent : The State through Mr. Muhammad Noonari,
D.P.G. Sindh.

Date of hearing : 06-02-2026

Date of order : 06-02-2026

ORDER

TASNEEM SULTANA, J.— Through this criminal bail application, applicant Jalal seeks post-arrest bail in Crime No.121 of 2024 for offence punishable under Sections 302, 201, 34 PPC registered at Police Station Gharo, District Thatta. Having been rejected his earlier post-arrest bail application in Sessions Case No.211 of 2024, by the learned Additional Sessions Judge-I/Model Criminal Trial Court, Thatta, vide order dated 26.05.2025, hence this bail application for the same concession.

2. Brief facts of the prosecution case, are that the complainant Mst. Gulbano reported that her brother Jan Muhammad alias Jani was residing along with his wife Mst. Shama and children at Aari Camp on the land of accused Adeel Ahmed, where during the said period illicit relations allegedly developed between co-accused Mst. Shama and accused Adeel Ahmed, due to which disputes arose, and the deceased was driven away from the said place while his wife and children continued to reside there. On 05.08.2024 at about 6:00 p.m., prosecution witnesses Deedar Ali and Meer Khan, while catching fish at Gharo Creek, allegedly saw accused Adeel Ahmed and present applicant Jalal taking the deceased on a motorcycle towards Jheenga Farm near Government pond; both accused allegedly grappled with the deceased, attempted to strangulate him and thereafter accused Adeel Ahmed made pistol fires at the back side of his head. The witnesses, being on the opposite side of the creek, could not intervene; after committing the murder, the accused allegedly placed the dead body in a sack and threw it into Gharo Creek. The dead body was subsequently

recovered on 07.08.2024 and after post-mortem formalities the present FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to mala fide and previous enmity; that the complainant is not an eye-witness; that the prosecution story rests upon interested and chance witnesses whose presence is doubtful; that the alleged witnesses observed the incident from across the creek, therefore identification and visibility are seriously questionable; that no weapon has been recovered from the applicant; that no forensic or ballistic evidence connects him with the offence; that alleged motive is unsubstantiated; that the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C.; hence the applicant is entitled to bail.

4. Conversely, learned D.P.G assisted by learned counsel for the complainant opposed the application and contended that the applicant is specifically nominated in the FIR; that he was last seen in the company of the deceased immediately prior to the occurrence; that ocular account furnished by prosecution witnesses attributes active participation to the applicant; that medical evidence corroborates the prosecution version regarding homicidal death by firearm injury; that motive has also been assigned; that the offence falls within the prohibitory clause of Section 497 Cr.P.C.; therefore, the applicant does not deserve the concession of bail.

5. Heard. Record perused.

6. A perusal of record reflects that the applicant along with co-accused allegedly took the deceased on motorcycle towards the place of incident and thereafter participated in the assault wherein the deceased was first strangulated with the string (Nara) of shalwar and subsequently firearm injury was caused to him. The prosecution has set up an ocular account through eyewitnesses namely Deedar Ali and Meer Khan, who have attributed active participation to the applicant in the occurrence. The deceased was last seen alive in the company of the applicant and soon thereafter his dead body was recovered, which circumstance prima facie furnishes a connecting nexus between the applicant and the commission of the alleged offence. The post-mortem examination report further reveals presence of ligature marks around the neck in addition to firearm injury, which medically corroborates the prosecution allegation regarding strangulation preceding the firearm assault.

7. The contentions raised by learned defence counsel regarding visibility of witnesses, their credibility, absence of recovery and other factual

discrepancies require deeper appreciation of evidence, and their determination squarely falls within the domain of trial. At this stage, such pleas do not dislodge the prima facie material available on record connecting the applicant with the occurrence.

8. The offence alleged falls within the prohibitory clause of Section 497 Cr.P.C. and the material presently available prima facie provides reasonable grounds to believe the applicant's involvement in the commission of the offence. The case thus does not fall within the ambit of further inquiry under Section 497(2) Cr.P.C., more so when the trial is at its inception and prosecution evidence has yet to be led.

9. For the foregoing reasons, I am of the tentative view that the applicant has failed to make out a case for grant of post-arrest bail. Consequently, the instant bail application stands dismissed.

10. Observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE