

**IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No.1244 of 2025

Applicant : Talib Hussain S/o Manzoor Hussain  
through M/s. Rizwan Khan & S.M.  
Murtaza, Advocates

Respondent : The State  
through Ms. Seema Zaidi, Addl. P.G.

Date of hearing : 06.04.2025

Date of order : 06.04.2025

**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 learned Addl. Sessions Judge-III, Karachi West vide order dated 04.03.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR; hence, the same need not to be reproduced hereunder.

3. Learned counsel for the applicant has mainly contended that the 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 by the complainant; that the co-accused has already been granted bail by this Court; as such, the present applicant may be enlarged on bail on the rule of consistency as the case of both the accused persons is on the same footing; 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 for more than one year and he 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. It is an admitted position that the F.I.R. has been lodged with a delay of approximately five days, for which no plausible or satisfactory explanation has been furnished by the complainant. A perusal of the record further reveals that the occurrence in question is neither seen nor witnessed, and the present applicant has been implicated merely on the basis of suspicion; there being no direct or cogent evidence connecting him with the commission of the alleged offence.

7. Moreover, a co-accused, namely Abdul Mehmood alias Bagga, has already been admitted to bail by this Court vide order dated 06.03.2025, and the case of the present applicant stands on identical footing. Consequently, on the principle of consistency, the applicant is entitled to the same relief.

8. It is also noted that the applicant/accused has remained incarcerated for more than one year without any substantial progress in the trial, and his continued detention would not serve any useful purpose nor advance the case of the prosecution. Reliance is placed 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.”**

9. 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.

10. 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**

Kamran/PS