

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

**Cr. Bail Appl.No.2795 of 2024**

Date	Order with signature of the Judge
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Present:

**Mr. Justice Muhammad Iqbal Kalhoro.**

**Mr. Justice Khalid Hussain Shahani.**

Ghulam Yasin

.....Vs. .... The State

**06.04.2026.**

Mr. Raj Ali Wahid, Advocate for applicant

Mr. Shahjehan Shah, advocate for complainant.

Mr. Ali Haider Saleem, Addl. P.G.

**ORDER**

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**MUHAMMAD IQBAL KALHORO J:** Applicant Ghulam Yaseen seeks post arrest bail in FIR No.725/2022 U/s 302,109, 34 PPC r/w section 7 ATA, 1997 of P.S. Peerabad.

2. Initially an FIR was registered by the police of P.S. Peerabad alleging an encounter with son of compliant namely Nadir Magsi at Qasba Colony, graveyard, Karachi on 02.09.2022 in which he was killed. However on 07.09.2022 complainant, mother of deceased registered an FIR against the same police team including applicant, serving as police constable, for raiding her house and illegally taking away the deceased and killing him in a false encounter.

3. Both the FIRs were investigated, I.O did not agree with the version recorded by the police in FIR No.725/2022 and submitted challan which the trial court accepted. As a result, the trial has proceeded, and so far five witnesses have been examined including eyewitnesses to the extent of whisking away of the deceased from his house in presence of complainant and others.

4. Applicant was arrested on 02.05.2023. His counsel has pleaded for bail on the grounds that there are various discrepancies in 164 Cr.P.C statements; there is no eyewitness of the alleged killing of the deceased by the applicant and others; one of the police constable who has been assigned role of firing upon the applicant was not challaned and other accused including SHO have been granted bail; the trial has not concluded despite lapse of 03 years since the arrest of the applicant.

5. On the other hand, learned Addl. P.G. and counsel for complainant have opposed the bail.

6. We have considered submissions of the parties and perused material available on record, and are of the view that *prima facie* there are reasonable grounds to assume that applicant is involved in alleged murder of the deceased, the trial of which has progressed much. Not only in the FIR registered by mother of deceased, applicant's name has transpired but also in the FIR recorded by the police itself, he is mentioned to be a part of the police team, which had participated in the alleged encounter and killing of the deceased. Applicant is specifically named to have fired at the deceased in the encounter in the said FIR. The mother of deceased in the FIR has also identified him to be the part of the police team which had raided her house and whisked away her son. Such version, when investigated finds support in the opinion of I.O. and when put to trial has been *prima facie* reiterated in the evidence by the P.Ws.

7. Learned defence counsel in his arguments has referred to some revelations made by the complainant in cross examination but suffice to say that deeper appreciation of evidence for deciding a bail application is neither approved, nor permitted. We, therefore, find that applicant has not been able to make out a case for bail. We, therefore, dismiss this bail application, however, since the trial is already in progress, direct the trial court to examine remaining P.Ws and decide the case in six months.

The Cr. Bail Application is disposed of.

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

JUDGE

JUDGE