

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Appln. No. 2406 of 2025.

Applicant : Muhammad Azhar Naveed
@Chaudhary through Mr.Hassan
Ali Shaikh, Advocate.

Complainant : Malik through M/s. Muhammad
Bilawal & Rabeea Ahmed,
Advocates.

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

Date of hearing : 16.11.2025.
Date of order : 16.11.2025.

O R D E R.

TASNEEM SULTANA-J.:- Through this bail application, applicant seeks post arrest bail in Crime No. FIR No.504 of 2022 registered at Police Station Saeedabad, Karachi, under sections 302, 393, 397, 34 PPC. Earlier same relief was declined by the learned VII Additional Sessions Judge, West, Karachi, vide order dated 08.08.2025.

2. Brief facts of the prosecution case are that vide Roznamcha Entry No.17 of Police Station Saeedabad. ASI Azhar Hussain, after conducting necessary inquiry at Civil Hospital Karachi (Mortuary), returned to the police station and recorded the statement of the complainant Malik S/o Phulk Khan under section 154 Cr.P.C wherein complainant stated that he is a resident of House No.586, Sector 14/16, Gulshan-e-Mazdoor, Saeedabad, Karachi, and that on 06.10.2022, he along with his younger brother Mian Khan S/o Phulk Khan, aged about 30–32 years, were going towards Naval Colony, Karachi. At about 1530 hours, when they reached near their house, they were intercepted by four unknown persons riding on two motorcycles. One of the accused shouted at them not to move, and one of the accused was holding a pistol in his hand. The complainant further stated that when they tried to hold the accused, the accused who held pistol, fired a bullet shot on the backside of his brother, as a result of which his brother sustained firearm injury and later succumbed to the same. The complainant further stated that the accused persons neither demanded any money nor snatched the motorcycle, and thereafter fled from the place of incident. On the basis of MLO No.5334/22 and reference No.144/22, the death of the victim was verified, death certificate was issued, and FIR was registered to the above effect.

3. Learned counsel for the applicant argued that the applicant was not nominated in the FIR; that he was not arrested at the spot, and he was falsely implicated in the case later on the basis of supplementary statement merely on account of his presence near a Bank/ATM, which by itself does not connect him with the commission of murder; that the complainant himself admitted in his cross examination that he was not returning back from Meezan Bank and also did not mention that he was carrying Rs.12,00,000/=. He further argued that complainant himself admitted in the FIR as well as cross examination that the accused did not snatch mobile or cash from them thus there is no motive against the accused. He further submitted that investigation has been completed, challan has been submitted, no identification parade was conducted, and the prosecution case is riddled with doubts and contradictions, therefore, prosecution case against the applicant calls for further enquiry and he is entitled to the concession of bail.

4. Learned Deputy Prosecutor General opposed the bail application, contending that the involvement of the applicant in the offence was surfaced during investigation and he was fully implicated by the prosecution witnesses; that the case involves heinous offence of murder and armed robbery, and that sufficient material is available to prima facie connect the applicant with the commission of offence. He prayed for dismissal of the bail application.

5. Heard. Record perused.

6. Perusal of record reflects that The prosecution case, as emerging from the FIR, challan, and the statements recorded during investigation and evidence of complainant recorded by the trial court relates to an incident dated 06-10-2022 in which the brother of the complainant lost his life as a result of firearm injury. The FIR, though initially lodged against unknown accused, clearly attributes the act of firing to one of the assailants and alleges a concerted occurrence involving four persons acting in furtherance of a common design. The offence alleged falls under section 302, PPC, carrying severe punishment, and is, by its very nature, heinous.

7. Perusal of the record further reflects that during investigation the present applicant has been connected with the occurrence through subsequent material, including CCTV footage, bank/ATM record and other circumstantial evidence collected by the investigating agency. The challan shows that incriminating material has been gathered which, prima facie, links the applicant with the commission of the offence and his role is not merely peripheral. Whether the applicant fired the fatal shot or facilitated the occurrence as part of a joint enterprise is a matter that requires appreciation of evidence, which at bail stage cannot be undertaken in depth.

8. It is also evident from the record that prosecution witnesses, including the complainant, have already been examined and have supported the prosecution version regarding the occurrence and involvement of the accused persons. Any alleged contradictions, omissions or discrepancies highlighted by the learned counsel for the applicant pertain to appreciation of evidence and credibility of witnesses, which is the exclusive domain of the trial Court and cannot be resolved conclusively at this stage. Besides, it is matter of record that said grounds are not taken by applicant in his bail application filed before trial Court, therefore, the same can not be considered in these proceedings.

9. The contention that no identification parade was held or that the applicant was not arrested from the spot does not, in the peculiar facts of the present case, materially weaken the prosecution case at the bail stage, particularly when the prosecution relies upon other connecting circumstances. Likewise, the plea that the applicant did not fire the fatal shot does not ipso facto entitle him to bail, as the doctrine of common intention/common object, if ultimately proved, would attract equal liability. It is a settled principle of law that in cases falling within the prohibitory clause of section 497 Cr.P.C., bail cannot be granted as a matter of right unless the accused is able to show that there are no reasonable grounds to believe that he has committed the offence, which is lacking in this case. Reliance can be placed on the case of **Syed Raza Hussain Bukhari Vs. The State (PLD 2020 SC 743)**.

In view of above discussion, prima facie, the material available on record discloses reasonable grounds for believing that the applicant is connected with the commission of the offence. The case does not fall within the ambit of further inquiry under section 497(2), Cr.P.C. Consequently, instant bail application was dismissed by my short order dated 10.11.2025 and these are reasons thereof.

The observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE