

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Appln. No. 1987 of 2025.

Applicant : Abdul Hameed through Mr.
Shakir Rasheed, Advocate.

Complainant : Muhammad Kashif Mr. Syed
Shabbir Hussain Shah,
Advocate.

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

Date of hearing : 14.01.2026.
Date of order : 22.01.2026.

O R D E R.

TASNEEM SULTANA-J.:- Through this Criminal Bail Application, the applicant seeks post-arrest bail in Crime No.155/2025 registered at Police Station Sukhan, District Malir, Karachi, under sections 302, 201 and 34 PPC.Having been rejected his earlier post arrest bail application No. 2533 of 2025 by learned IVth Additional Sessions Judge Malir,Karachi, vide order dated 25.06.2025. Hence this bail for same concession.

2. Brief facts of the prosecution case are that complainant Muhammad Kashif s/o Muhammad Ikhlaq, resident of District Khanewal, Punjab, has alleged that he was residing there with his family, whereas his father Muhammad Ikhlaq s/o Muhammad Sharif was running a milk shop and dairy farm in Karachi in the name of “Haji Ikhlaq Dairy Farm”, situated at Bhains Colony Road No.07 near Bilal Mosque. It is alleged that the present applicant Abdul Hamed s/o Jan Muhammad was working there as Munshi for about 20/25 years, while other workers namely Zahid, Noora and Irfan were also employed at the dairy farm for the last about 2½ years. It is further alleged that on 26-03-2025 at about 12:00 midnight, his munshi Abdul Hameed (the applicant) called him and informed that last night the uncle (father of complainant) had contacted him (Abdul Hameed) and told that he had sold five buffaloes, hence he (applicant) should come to the farm in the morning and take him to shop to deposit said amount; however, he (the applicant) was at the farm since 09:00 a.m., the complainant’s father is untraceable. On such eventuality, complainant attempted to contact his father but found his mobile phone switched off. It is alleged that on 27-03-2025 at about 08:00 a.m., Munshi Abdul Hameed again

contacted the complainant and informed him that a foul smell was coming from beneath the staircase near the main gate of the dairy farm, resembling that of a dead body; whereupon the complainant asked the him to dig the said place and he himself started travelling from Punjab to Karachi. It is alleged that thereafter the applicant informed the complainant that during digging, a dead body was recovered which appeared to be that of the complainant's father, whereupon the complainant also informed his maternal cousin Muhammad Qureshi, and the dead body was shifted along with the police party to Jinnah Hospital, Karachi, for postmortem. The complainant further alleged that he reached Karachi on 28-03-2025 at about 01:30 p.m., and was informed by his relatives that after postmortem, the dead body had been kept at Edhi Cold Storage, Sohrab Goth; thereafter, on 28-03-2025, the deceased was buried at Muhammad Shah Graveyard. It is further alleged that upon inquiry, the dairy farm workers Noora and Irfan were missing since 25-03-2025, whereas Zahid was missing since 26-03-2025, and on such basis the complainant suspected that the applicant, in collusion with the said persons and other unknown accomplices, murdered his father for financial greed and concealed the dead body by burying it inside the dairy farm premises, hence the present FIR was registered.

2. Learned counsel for the applicant contends that the applicant has been falsely implicated on the basis of suspicion and surmises; that the FIR does not attribute any specific overt act to the applicant with regard to commission of murder; that there is no allegation that the applicant was seen causing any injury to the deceased; that the applicant was merely working as Munshi at the dairy farm of the deceased; that he had no personal enmity or motive to commit the alleged offence; that even according to the prosecution story, it was the applicant who informed the complainant about the deceased's absence and thereafter about the foul smell and the recovery of the dead body; that such conduct is not consistent with guilt but rather reflects prompt disclosure; that no recovery of any weapon, looted property or any incriminating article has been effected from the applicant; that there is no direct ocular account connecting him with the occurrence; that the prosecution case is purely circumstantial and requires deeper appreciation which is not permissible at bail stage; that the alleged missing of other workers cannot legally be used to fasten liability upon the applicant in absence of independent corroboration; therefore, the applicant is entitled to the concession of bail.

3. Conversely, learned DPG/State counsel, assisted by learned counsel for the complainant, opposes the application and contends that the applicant was the Munshi/manager of the dairy farm and was present on the premises; that the dead body of the deceased was recovered from within the farm on his pointation; that the conduct of the applicant and the surrounding circumstances create reasonable grounds to believe his complicity in commission of offence; therefore, the applicant is not entitled to the concession of bail.

4. Heard. Record perused.

5. It appears that the present applicant is not a stranger to the crime-scene nor a peripheral figure; rather, as per the FIR itself, he was serving as Munshi/manager at the dairy farm of the deceased for about 20/25 years and was, therefore, the principal person supervising the premises with effective control over its day-to-day affairs. The FIR further reflects that it was the applicant who remained in direct telephonic contact with the complainant at the crucial time; first at about 12:00 midnight on 26-03-2025 regarding the deceased's unusual absence, and again at about 08:00 a.m. on 27-03-2025 stating that a foul smell, resembling that of a dead body, was emanating from beneath the staircase near the main gate of the dairy farm, and that upon digging, a dead body was recovered from within the dairy farm premises. The dead body was thereafter shifted to Jinnah Hospital, Karachi, for postmortem and subsequently buried on 28-03-2025.

6. The recovery of the dead body from a concealed spot within the dairy farm, which was under the applicant's management and supervision, is a highly incriminating circumstance. The manner in which the dead body was concealed, namely by burial inside the farm, prima facie indicates deliberate concealment of the offence and suppression of evidence, and such concealment could not ordinarily be accomplished without the knowledge, facilitation and involvement of persons having dominion over the premises. The conduct of the applicant, when assessed in light of the recovery from within the controlled premises, prima facie suggests that he was not merely an informant but was at least aware of, and connected with, the circumstances leading to the murder and the subsequent concealment. Furthermore, the record reflects that CCTV recording from the vicinity of the place of incident was secured during investigation, which shall be appreciated by the trial Court in accordance with law. Moreover, the FIR reflects that other workers namely Zahid, Noora and Irfan allegedly went

missing around the relevant dates, which, prima facie, reinforces the prosecution stance of collusion and common intention.

7. In these circumstances, the prosecution material presently available on record furnishes reasonable grounds to believe that the applicant is connected with the commission of the alleged offence and/or the concealment thereof; thus, his case does not call for further inquiry within the meaning of section 497(2) Cr.P.C., particularly when the offence under section 302 PPC falls within the prohibitory clause of section 497(1) Cr.P.C. Accordingly, this Criminal Bail Application is dismissed.

8, Needless to mention that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE