

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No. 1203 of 2025

Shahid ur Rehman
Vs.
The State

Applicant : Through Mr. Muhammad Zahir, advocate.

Respondent : Through Mr. Khadim Hussain, D.P.G.

Date of hearing & order :20.10.2025.

ARSHAD HUSSAIN KHAN, J: Through instant bail application, the applicant/accused namely, Shahid-ur-Rehman son of Saif-ur-Rehman seeks post-arrest bail in F.I.R. No.268/2021 under Section 302/393/337-A(i)/34 PPC, registered at P.S. Sharifabad, Karachi.

Facts of the case need not to be reiterated here as the same have already been stated in the FIR and bail application.

Learned counsel for the applicant/accused submitted that applicant/accused is innocent and has falsely been implicated in the present case by the police malafidely. He further submitted that the name of the applicant is not mentioned in the FIR as the same was lodged against unknown person and the police has booked him in the present crime for ulterior motives. He further contended that no hulia or description of the accused person is mentioned in the FIR. He further contended that the FIR was lodged after delay of about two (02) days, for which no explanation has been given by the complainant. Counsel also contended that there are contradictions in the evidence of prosecution witnesses, so far recorded before the Trial Court, on crucial aspects of the matter which make the case of the prosecution doubtful and of further enquiry. He further contended that the applicant is behind the bars for last about four years however, the delay in conclusion of the trial is not on his part as the prosecution has miserably failed to produce witnesses. It is further contended that applicant's earlier bail application was dismissed with directions to the Trial Court to conclude the trial within three months but despite such directions the trial has not been concluded as yet, as such, the applicant is entitled for grant of bail on the ground of statutory delay at this stage. He further contended that alleged recovered empty from the place of occurrence and pistol foisted upon the applicant by the police was sent to FSL for matching and as per report of FSL the same were not conclusively matched, which also creates dents in the case of the prosecution. He lastly prays that the applicant may be enlarged on bail at this stage.

Learned Deput Prosecutor General while opposing the grant of bail to the applicant submits that the applicant is involved in heinous crime of murder wherein one innocent lady has lost her life and sufficient material is available on record which prima facie connects the applicant in the instant crime, as such, he is not entitled for grant of bail.

I have considered the arguments advanced by learned counsel for the applicant/accused and learned DPG as well as perused the material available on the record carefully with their assistance.

On tentative assessment of the material available on record, it reflects that neither the name of the applicant nor any hulla or description of the accused person is mentioned in the FIR and the same was registered against unknown person. Further, the FIR was registered after a delay of about two days and no plausible explanation has been given by the complainant for such delay. Even otherwise, the crime empty and weapon allegedly recovered, were sent to the FSL for matching and as per the report of Examiner Fire Arms Unit, Forensic Division Sindh, Karachi, the same were not matched, which makes the case of the applicant of further inquiry. Applicant was not arrested at the spot and he was arrested in the present case when he was in custody in other crimes and during interrogation, he confessed the guilt of present incident but it is settled law that ipsi dixit of the Police regarding the guilt or innocence of an accused could not be depended upon as the same would be determined by Trial Court on the basis of evidence available on record.

Besides above, it is an admitted position that the applicant is behind the bars from 23.04.2021 for last more than four (04) years and despite directions given by this Court, the Trial could not be completed. Progress report was called from the Trail Court, which reflects that out of 17, only 06 prosecution witnesses have been examined after framing of charge on 21.09.2021 and the delay in conclusion of the trial is on the part of the prosecution as PWs were not produced before the Court to record their evidence despite diligent efforts. Since, the applicant/accused is in continuous custody since his arrest for last about four years and is no more required for any investigation nor the prosecution has claimed any exceptional circumstance, which could justify keeping him behind the bars for an indefinite period pending determination of his guilt. It is also well settled that truth or otherwise of the charges could only be determined at the

conclusion of the trial after taking into consideration the evidence adduced by both the parties.¹

In view of the above facts and circumstance, I am of the view that the applicant has made out the case for grant of bail, as such, applicant was allowed to be released on bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Lac only) and P.R. Bond in the like amount to the satisfaction of the Trial Court vide short order dated 20.10.2025.

Needless to mention here that any observation made in this order is tentative in nature and shall not affect the determination of the facts at the trial or influence the trial Court in reaching its decision on the merits of the case. It is, however, made clear that in the event if, during proceedings, the applicant/accused misuses the bail, then the trial court would be competent to cancel his bail without making any reference to this Court.

Above are the reasons of my short order dated 20.10.2025.

JUDGE

Naveed PA

¹ *Muhammad Nadeem Anwar and another v. National Accountability* [2008 SC 645].