IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1583 of 2026

Applicant	:	Alam Zeb son of Muhammad Umar Through Mr. Bakhat Azam, advocate
Complainant	:	Gul Muhammad son of Noor Malik Through Ms. Shahida Karim Abbasi, advocate.
The State	:	The State: Through Mr. Sharafuddin Kanhar, A. P. G. Sindh
Date of hearing	:	05.11.2026.
Date of Order	:	05.11.2026.

O R D E R

Jan Ali Junejo, J:- Through this order, I intend to decide the instant post-arrest bail application filed under Section 497 Cr.P.C. by the applicant Alam Zeb son of Muhammad Umar, who seeks his release on bail in connection with FIR No.167 of 2023 registered at Police Station Site SITE-B, Karachi for the offences punishable under Sections 302/34 PPC. The applicant has approached this Court being aggrieved by the order dated 07.02.2026 passed by the learned Additional Sessions Judge-III, Karachi West whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that complainant stated that he had been residing at the address mentioned at Column No.2 and was employed at the Fishery. His son namely Niaz Muhammad aged about 22/23 years had previously been working at Tandoor situated at Madrassa, Lyari Mira Naka, where he used to prepare bread, but left the job on 10.06.2023 and thereafter started residing with his maternal uncle at Shershah. On 19.06.2023, at about 3:00/3:30 p.m., his son left the Dera in search of employment but did not return, while his mobile phone also remained switched off. On 20.06.2023 his elder son namely Gul Nabi Shah informed him that the dead body of Niaz Muhammad had been recovered from a nala in the area of Police Station

Site-B. Upon reaching there, he came to know that the dead body had been recovered near the railway track, close to Mubarak Masjid, bearing multiple knife injuries on the stomach, both cheeks and the frontal portion of the head. The complainant suspected that his son had been murdered by some unidentified person(s), for an unknown reason, by repeatedly inflicting knife blows on him on 19.06.2023 between 4:00 p.m. and 5:45 p.m., and requested legal action against the culprits, hence this FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case with mala fide intention and ulterior motives. He submits that the applicant was arrested on 23.06.2023 and has remained behind bars for more than two years and ten months, whereas the trial has not yet concluded, despite the direction issued by this Court vide order dated 24.12.2024 to the learned trial Court to conclude the proceedings expeditiously, preferably within three months. He further submits that a considerable number of prosecution witnesses are still to be examined and there is no likelihood of early conclusion of the trial; hence, the applicant is entitled to the concession of bail on the statutory ground of delay, there being no fault attributable to him. He contends that the investigation has been completed and the final charge-sheet has been submitted; however, no tangible evidence is available to connect the applicant with the alleged offence. He further argues that the applicant was neither nominated in the FIR nor was any identification parade conducted before the learned Magistrate to establish his identity. He also points out that the FIR was lodged with an unexplained delay of one day and that the alleged confession made by the applicant before the police is inadmissible in evidence under Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984. He further submits that neither was the applicant arrested from the alleged place of occurrence nor was any incriminating article recovered from his possession, and no direct or reliable evidence is available against him. According to learned counsel, the case of the applicant requires further inquiry within the meaning of Section 497(2), Cr.P.C., and the benefit of doubt is to be extended to the accused even at the bail stage. He lastly contends that the applicant is no longer required for the purpose of investigation, is not a previous convict or habitual offender, and there is no likelihood of his

absconding or repeating the alleged offence if released on bail. He, therefore, prays for grant of bail to the applicant.

4. Learned counsel for the complainant opposes the grant of bail and submits that the delay in conclusion of the trial is not attributable to the prosecution but is mainly due to the non-appearance of the remaining official prosecution witnesses and, on certain dates, the strike observed by the Karachi Bar Association. She further submits that, out of thirteen prosecution witnesses cited in the challan, seven have already been examined, whereas two official witnesses have been given up by the prosecution, and only four official witnesses remain to be examined. She further points out that the learned trial Court has already issued Non-Bailable Warrants against the Investigation Officer, SIP Amanullah, and other official prosecution witnesses through the SSP, Keamari, and the DSP concerned has assured that their attendance would be secured on the next date of hearing for recording of the remaining evidence and expeditious conclusion of the trial. She, therefore, contends that effective steps have been taken by the learned trial Court to procure the attendance of the remaining witnesses and that the trial is likely to conclude shortly; hence, the applicant is not entitled to the concession of bail on the ground of delay

5. Learned APG adopted the arguments of the complainant's counsel regarding the defense's role in causing delay. He also opposed the grant of bail to the applicant, asserting that sufficient material has been collected during investigation connecting the accused with the offence, and thus, the case does not fall within the ambit of further inquiry.

6. I have heard learned counsel for the applicant, learned counsel for the complainant, and learned APG for the State, and have carefully examined the material available on record, including the report submitted by the learned trial Court regarding the progress of the trial and the causes of delay in its conclusion.

7. During the course of investigation, CCTV footage of the relevant area was obtained, which prima facie depicts the deceased Niaz Muhammad and the present applicant/accused Alam Zeb proceeding together towards the place of occurrence, thereby furnishing evidence of

the last-seen circumstance. Furthermore, at the time of his arrest, the accused was found to have fresh injuries on his fingers, which, as per his own admission, were sustained during the resistance allegedly offered by the deceased while the latter was being murdered. The medical evidence also lends substantial corroboration to the prosecution case, as the post-mortem report reveals that the deceased succumbed to multiple incised wounds sustained on his chest and abdomen, allegedly caused by a sharp-edged weapon. Moreover, the crime weapon was recovered during investigation at the instance of the accused, and his pointation of the place of occurrence further connects him with the alleged commission of the offence. Above all, the accused is stated to have voluntarily confessed his guilt, and his confessional statement under Section 164 Cr.P.C. was duly recorded before the competent Magistrate. Taken cumulatively, the aforementioned pieces of evidence prima facie constitute incriminating material connecting the accused with the commission of the alleged offence.

8. The principal ground urged by learned counsel for the applicant is the statutory delay in conclusion of the trial. Although the applicant has remained in judicial custody since 23.06.2023, the question of entitlement to bail on the ground of delay cannot be determined merely by calculating the period of detention; rather, the circumstances responsible for the delay and the conduct of the parties are also required to be examined. In this regard, the progress report submitted by the learned trial Court reflects that the charge was framed on 21.10.2023 and, out of thirteen prosecution witnesses cited in the challan, seven have already been examined, while two official witnesses have been given up by the prosecution. Thus, only four official prosecution witnesses, including the learned Judicial Magistrate, remain to be examined. The report further reflects that the learned trial Court has taken effective measures to secure the attendance of the remaining witnesses by issuing Non-Bailable Warrants against the Investigation Officer, SIP Amanullah, and other official witnesses through the SSP, Keamari.

9. The mere fact that the applicant was not nominated in the FIR is not, by itself, sufficient to discard the prosecution case at this stage, particularly when the matter is still at the stage of recording prosecution

evidence. As regards the contention that the FIR was lodged with a delay of one day, the same, in the circumstances of the case, cannot independently be treated as sufficient ground for extending the concession of bail. The prosecution case relates to a brutal murder in which the deceased sustained multiple knife injuries on different parts of his body, including the stomach, cheeks and frontal portion of the head. The nature and manner of the occurrence, coupled with the material collected during investigation, as pointed out by learned APG, do not presently persuade this Court to hold that the applicant's case falls within the ambit of further inquiry under Section 497(2), Cr.P.C.

10. As regards the plea of delay, the report of the learned trial Court indicates that substantial progress has already been made in the trial and only four official prosecution witnesses, including the learned Judicial Magistrate, remain to be examined. The learned trial Court has also taken steps to procure their attendance through issuance of Non-Bailable Warrants, while the DSP concerned has assured that their presence would be secured on the next date of hearing. The explanation furnished by learned counsel for the complainant regarding non-appearance of official witnesses and the strikes observed by the Karachi Bar Association has also been taken into consideration. Furthermore, the mere issuance of directions by this Court for expeditious conclusion of the trial does not, by itself, establish that the applicant has acquired an indefeasible right to bail, particularly when the proceedings have substantially progressed and the remaining evidence is confined to a few official witnesses. Nevertheless, the question of statutory delay must be examined in accordance with the proviso to Section 497(1), Cr.P.C., including whether any part of the delay is attributable to the applicant.

11. In view of the foregoing discussion, and subject to the statutory requirements governing delay in conclusion of trial, I am not persuaded to extend the concession of bail to the applicant on the ground of further inquiry. Consequently, the instant Criminal Bail Application is dismissed. Needless to observe that the observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case on its merits. The learned trial Court is, however, directed to make every endeavour to conclude the trial expeditiously, preferably within a period of three months, by securing the attendance of the remaining prosecution witnesses.

JUDGE