

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1733 of 2025

Applicant : Muhammad Shehneel, Through:
Mr. Jamroz Khan Afridi, advocate

Complainant : Mehmood Alam, Through:
Mr. Ahteshamul Hassan, Narejo,
Advocate

The State : The State: Through Ms. Seema Zaidi,
Additional Prosecutor General,
Sindh

Date of hearing : 09.03.2026

Date of Order : 18.03.2026

ORDER

Jan Ali Junejo, J:-- Through this application filed under Section 497 Cr.P.C., the applicant/accused Muhammad Shehneel seeks post-arrest bail in case FIR No.144/2024 registered under Sections 302/34 P.P.C. at Police Station Awami Colony, Karachi, and also seeks suspension of the order dated 14.05.2025 passed by the learned XIIIth Additional Sessions Judge, Karachi East whereby the bail application of the applicant was declined.

2. Briefly, the prosecution case as disclosed in the FIR is that complainant Mehmood Alam reported that on 12.02.2024 at about 10:45 p.m. he received a phone call from his son Muzammil informing him that his brother Muhammad Faizan had been injured in an incident and shifted to JPMC. Upon reaching there, the complainant came to know that his son Muhammad Faizan aged about 28 years had been murdered by unknown persons at Eid Gah Football Ground near Korangi, Karachi. The complainant suspected

involvement of one Tahir Baglol, a close friend of the deceased who used to spend considerable time with him and had remained with him a day prior to the occurrence, and further alleged that the murder had been committed either by the said person or by unknown culprits through firearm injury. Consequently, the FIR was registered under Sections 302/34 P.P.C. and investigation was initiated.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. He submitted that the FIR was lodged against unknown persons and the present applicant was nominated subsequently during investigation without any definite role. He further argued that the prosecution case mainly rests upon the statement of sole witness Gul Bahar who, during his deposition before the trial Court, did not identify the applicant and admitted that at the time of identification parade he had identified the accused on the pointation of the Investigating Officer. It was further contended that the identification parade was conducted after an unexplained delay and without observing legal formalities, thereby rendering it doubtful. Learned counsel submitted that no weapon of offence or incriminating article has been recovered from the possession of the applicant and no motive has been assigned. He therefore argued that the case of the applicant falls within the purview of further inquiry under Section 497(2) Cr.P.C. and prayed that the applicant may be admitted to bail.

4. Conversely, learned Additional Prosecutor General Sindh assisted by learned counsel for the complainant opposed the bail application and argued that the applicant is involved in a heinous offence of murder punishable with death or imprisonment for life which squarely falls within the prohibitory clause of Section 497 Cr.P.C. It was contended that during investigation sufficient material has been collected connecting the applicant with the commission of offence and the witness Gul Bahar had identified the applicant during identification parade conducted before a Judicial Magistrate. It was further submitted that the evidence of the Judicial Magistrate who conducted the identification parade is yet to be recorded and the matter cannot be decided by making deeper appreciation of evidence at the bail stage. Learned counsel further argued that the applicant had earlier moved a bail application which was dismissed / withdrawn. It was lastly contended that there is apprehension that the applicant may influence the prosecution witnesses if released on bail. They therefore prayed for dismissal of the bail application.

5. I have considered the submissions advanced by learned counsel for the parties and have gone through the record with their able assistance. The allegation against the applicant pertains to the offence of murder which is punishable with death or imprisonment for life and thus falls within the prohibitory clause of Section 497 Cr.P.C. In such cases, bail cannot be granted unless the Court is satisfied that there exist reasonable grounds for believing that the

accused has not committed the offence or the case calls for further inquiry within the meaning of subsection (2) of Section 497 Cr.P.C.

6. The record reflects that the prosecution case is primarily based upon the testimony of witness Gul Bahar who is cited as an eyewitness of the occurrence and who had identified the applicant during the identification parade conducted before the learned Judicial Magistrate. Although learned counsel for the applicant has argued that the said witness did not identify the applicant during trial and raised certain discrepancies regarding the identification parade, yet the evidence of the Judicial Magistrate who conducted the identification parade is still to be recorded. At this stage, making a detailed appraisal of the testimony of said witness or examining the credibility of the identification proceedings would amount to deeper appreciation of evidence which is not permissible while deciding a bail application.

7. The material collected during investigation and the identification of the applicant during the identification parade tentatively connect the applicant with the commission of the alleged offence. The plea that the witness has resiled from his earlier statement or that there exist contradictions in his evidence are matters which require proper evaluation by the trial Court after recording entire evidence and cannot be conclusively determined at this stage.

8. It is also pertinent to note that the earlier bail application of the applicant was dismissed/withdrawn and the grounds now

raised substantially revolve around the appreciation of evidence of the same witness, which does not provide sufficient basis to conclude that the applicant's case falls within the scope of further inquiry as contemplated under Section 497(2) Cr.P.C. The alleged offence is of serious nature involving the murder of a young man and the tentative material on record does not justify extending the extraordinary concession of bail.

9. In view of the above discussion and tentative assessment of the material available on record, I am of the considered view that the applicant has failed to make out a case for grant of bail. Consequently, the bail application of the applicant Muhammad Shehneel is dismissed. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail application, and shall not prejudice the case of either party during the course of trial. However, the learned trial Court is hereby directed to decide the case, preferably, within three months under intimation to this Court.

JUDGE