

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No. 951 of 2024
(Siqab vs. The State)

1. For order on office objection
2. For orders on M.A. No.5779/2024
3. For hearing of Bail Application

24.06.2024

Mr. Muhammad Tariq Hassan Afzal Janjua, Advocate for applicant
Mr. Muhammad Iqbal Awan, Addl; PG Sindh

ORDER

MUHAMMAD IQBAL KALHORO J: When an explosion was reported to have occurred within the area of Police Station Docks, District Kemari Town, Karachi and the fact that deads and injured were taken to Civil Hospital Karachi, complainant ASI Rahseed Ahmed along with his team rushed to the hospital and inquired about deceased and injured and the reason of their death and injuries. The doctor apprised him names of the deceased and injured and the reason of their death as explosion.

2. From preliminary inquiry / investigation, applicant came to know that this explosion had happened in a residential area in a shop in which business of LPG gas cylinder was being run without a license and permission. After registration of FIR the said ASI set out to investigate the matter in which he came to know that 07 persons had died and 14 persons were severely injured and the fact that applicant was the tenant, who was running the said shop along with his father Abdul Wahid under a tenancy agreement executed in favour of his father, who had also died in the said explosion. Hence, he arraigned the applicant as one of the accused.

3. Learned defence counsel submits that applicant was neither owner nor tenant of the said premises; that his father, who died in the explosion was the tenant of the shop and he has no concern with the said explosion.

4. However, his submissions have been opposed by learned Addl: PG Sindh, who has pointed out to the report of investigation identifying the applicant as running the said LPG gas cylinder shop with his father without the license and necessary permission in which the explosion took place and 07 innocent persons lost their lives, in addition to, sever injuries to 14 people, some of whom lost their limbs. The police were further able to collect relevant evidence from the shop including LPG gas cylinder, etc.

5. I have heard the parties and perused the material available on record. In the incident, 07 peoples were killed and 14 were seriously injured. Applicant

has been identified to be the person running the said shop with his late father for filing LPG gas cylinders illegally without any license and permission, and that too in a residential area. The Police have no malafide or ulterior motives to implicate the applicant in the offence in which so many persons have been killed and many have been injured. The arguments of applicant's counsel that tenancy agreement is not in his favour would not help the applicant to seek extraordinary concession of pre-arrest bail, which can be granted to an accused, who has been falsely implicated in the case out of malafide or ulterior motives, whereas, in the present case applicant's involvement has been identified by the IO of the case supported by other pieces of evidence. No case, therefore, for pre-arrest bail is made out. Accordingly, this bail application is dismissed along with listed applications.

6. Needless to mention that the observations made herein above are tentative in nature and would not prejudice case of either party at trial. The bail application is disposed of in the above terms.

J U D G E

Rafiq/P.A.