

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.315 of 2025

Applicant : Jaleel Ahmed S/o Abdul Aziz
through Mr. Hussain Bux Saryo, Advocate

Respondent : For State:
through Ms. Rubina Qadir, Addl. P.G.
a/w SIP/I.O. Ali Nawaz

Date of hearing : 11.03.2025

Date of order : 11.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.755/2024 for the offence under Sections 302, 202, 34 PPC registered at PS SITE Super Highway, after his bail plea has been declined by the learned 3rd-Additional Sessions Judge/Model Criminal Trial Court, Malir vide order dated 10.01.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that this is unseen and unwitnessed incident and subsequently, after the statement of the complainant the applicant was implicated in this case; that during investigation, eyewitnesses Allah Ditta and Asif have deposed against the present applicant that he had caught hold the deceased from leg, however, both the witnesses knew the complainant party as well as applicant as they are residing in the same village; that initially the eyewitnesses did not nominate the present applicant in the alleged offence in their 161 Cr.P.C. statement but after a lapse of five days, they stated that present applicant murdered the deceased Yaseen as he was sending messages to sister of co-accused Majid; that eyewitnesses have not given any cogent reason as to why they did not disclose such fact in their earlier statement; that the

applicant has not committed any offence but only on the statement of eyewitnesses, he has been implicated in this case; that the applicant is in jail and he is no more required for further investigation. Lastly, he prays for confirmation of bail.

4. On the other hand, learned Addl. P.G. has vehemently opposed for grant of bail. However, I.O. present in Court; when he was confronted as to why the eyewitnesses Allah Ditta and Asif did not disclose the real fact in the earlier statement, he replied that the accused put the pistol upon the eyewitnesses and threatened them; as such, due to fear, they did not disclose such fact; however, after five days, they disclosed the same in their 161 Cr.P.C. statement. Brother of the deceased is present; however, his counsel is called absent.

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that this is an unseen and unwitnessed incident; however, after registration of the FIR, investigation was conducted and police had recorded statement of two eyewitnesses namely Allah Ditta and Asif, who have fully implicated the present applicant in the alleged offence. Further, learned counsel for the applicant pleaded malafide on the part of both the eyewitnesses that they did not nominate the present applicant in their earlier statement, the same has no worth as the I.O. confirmed that due to fear and threat, they did not disclose in their earlier statement; however, with a lapse of 5 days, they stated that present applicant alongwith co-accused murdered the deceased Yaseen as he was sending messages to the sister of co-accused Majid. Since the eyewitnesses have fully implicated the present applicant in the murder of deceased Yaseen with specific role that he had caught hold the legs of deceased Yaseen. Sufficient material is available on record to connect the applicant with the commission of alleged offence. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant has failed to make out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is dismissed. However, learned trial Court is directed to expedite the matter and conclude the same preferably within 60 days.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA