

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2909 of 2024

Applicants : Muhammad Bilal son of Qamaruddin
and Muhammad Bilal son of Mushtaq
Ahmed through Mr. Ali Akbar,
Advocate

Respondent : The State
Through Ms. Rahat Ehsan, Additional
Prosecutor General, Sindh.

Date of hearing : 30.01.2025

Date of order : 30.01.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, the applicant/accused seek post-arrest bail in Crime No.443 of 2024 registered under Sections 302, 34 r/w 109, 201, 202 PPC at Police Station Pakistan Bazar, after his bail plea has been declined by the learned District & Sessions Judge West, Karachi, vide order dated 23.11.2024.

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, the applicants/accused are innocent and have falsely been implicated in this case when this is an unseen and unwitnessed incident and main accused Rab Nawaz has admitted that he has kept the dead body in the Almari / wooden box and being the driver and labourer of the vehicle they have shifted the dead body otherwise there is no role against the applicants/accused. Lastly, he submits that the applicants/accused have joined the investigation. The applicants / accused are in jail and no more required for further investigation. Lastly, learned counsel for the applicants/accused prayed for grant of post-arrest bail.

4. On the other hand, learned Addl. P.G, Sindh vehemently opposed for grant of bail and states that the accused persons have facilitated the main accused, as such they are not entitled for concession of bail.

5. Heard and perused the record.

6. From the perusal of record, it reflects that the FIR was registered against the unknown persons and subsequently one Rab Nawaz was arrested by the police and during interrogation he has disclosed that he has committed the murder of deceased namely Hassan Shah and after committing the murder, he kept the dead body into the Almari / wooden box and thereafter shifted the dead body in the vehicle of the present applicants/accused persons being the driver and labourer it was not in their knowledge that the dead body is lying in the Almari / wooden box even I.O has not bother to collect the evidence that the Applicants/accused were prior knowledge that they are going to shift the dead body in their vehicle. As such, it will be seen when the evidence will be recorded whether the applicants/accused have shared common intention and objection. At bail stage, only tentative assessment is to be made. The applicants/accused are in jail and their further detention will not improve the case of the prosecution.

7. In view of the above, learned counsel for the applicant/ has made out a case for grant of bail in terms of subsection 2 of Section 497 Cr.P.C. Resultantly, the instant Criminal Bail Application is **allowed**, the applicants are granted bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand Only) **each** with P.R. bond to the satisfaction of the learned trial Court.

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 applicants on merits.

JUDGE

