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ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.2379 of 2021

Cr. Bail Application No.553 of 2022

Date _____

Order with signature of Judges

For Hearing Of Bail Applications

11.05.2022.

Mr. Muhammad Ilyas Awan, Advocate for the applicant in Cr. Bail Application No.2379 of 2021.

Mr. Farooq Hayat, Advocate for the applicant in Cr. Bail Application No.553 of 2021.

Mr. Abrar Ali Khichi, Addl. Prosecutor General Sindh.

Mohammed Karim Khan Agha, J. By this common order we propose to dispose of Criminal Bail Application No.2379 of 2021 filed by the applicant Gufran Ahmed and Criminal Bail Application No.553 of 2022 filed by the applicants Zameer Uddin @ Shahzad Gold, Tanzeem Ahmed and Syed Waqas Haider. Since both the bail applications arise out of the same FIR being Crime No.368 of 2018 under Section 302/324/109/34 PPC r/w Section 7 ATA, 1997 registered at PS Rizvi Society, Karachi.

2. A challan was submitted against all the applicants for the aforesaid offences and all the applicants pleaded not guilty and claimed trial. Thereafter a charge has been framed, however, despite lapse of 03 years not a single prosecution witness has given evidence and all the applicants have languished behind the bars.
3. In essence the allegation against all the applicants is that they facilitated some MQM target killers.
4. We have heard learned counsel for the applicants and learned Additional Prosecutor General Sindh.
5. We have noted that none of the applicants' name is appearing in the FIR and no specific role has been assigned to them. Only the material which learned Addl. Prosecutor General Sindh has relied upon is a statement made by the co-accused against the applicants which legally is insufficient to lead to the conviction of the applicants without any corroboration of which prima facie there does not appear to be any.

6. We note that this court had already granted bail to co-accused Mst. Bisma Naz vide order dated 08.12.2020 and the case of the all the present applicants is on the same footings as the case of the Bisma Naz. In fact their case appears to be on better footings as in the statement made by the co-accused against them they were not even stated to be present at the scene of the crime. It is also observed that even accused in most serious cases cannot be held in jail for indefinite period and in this case applicants have already spent 03 years in jail and not a single PW has recorded evidence and there are 24 PWs yet to be examined.

7. Based upon the above reasons and in particular rule of consistency the applicants Gufran Ahmed son of Muhammad Ameer Khan Taimori, Zameer Uddin @ Shahzad Gold son of Moeenuddin, Tanzeem Ahmed son of Bashir Ahmed Khan and Syed Waqas Haider son of Syed Jamal Haider are admitted to post arrest bail subject to furnishing their solvent sureties in the sum Rs.5,00,000/- (Rupees Five Lacs) each and PR bonds in the like amount to the satisfaction of the Nazir of this Court.

8. It goes without saying that this order has been passed after only a tentative assessment of the material available on record and this order shall have no bearing on the outcome of the trial which shall be decided by the trial court on merits based on the evidence available on record.

9. The instant criminal bail applications stand disposed of in the above terms.