

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Cr. Bail Appl. No.2298 of 2023**

Date

Order with signature of Judges

For hearing of main case.

**16.02.2024.**

Mr. Moazzam Hussain, Advocate for Applicant  
Mr. Muhammad Iqbal Awn, Addl. Prosecutor General  
M/s. Muhammad Hanif Qureshi and M. Khalid, advocates for complainant.

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Applicant Muhammad Umar Khitab is facing trial before the XIth Additional Sessions Judge (West) Karachi in respect of Crime No.255 of 2022 u/s.302/34 PPC registered at PS Madina Colony, Karachi. He applied for post arrest bail which was declined by the XIth Additional Sessions Judge (West) Karachi vide order dated 13.07.2023. Hence he has approached this Court for post-arrest bail.

2. Brief facts of the case are that Liaquat with the applicant came to the house of the complainant on 06.10.2022 and abused the complainant's son Waqas. His son Waqas came out in front of the house and Liaquat took out his pistol and fired upon him which led to his death. The applicant was present at the crime scene and they all escaped from there. Hence the aforesaid FIR was lodged against the applicant.

3. I have heard the learned counsel for the parties and perused the record.

4. It is true that the applicant is named in the aforesaid FIR. His role, however, is that he was with the main accused Liaquat who fired upon the deceased Waqas. There is no evidence of him instigating Liaquat to fire upon the deceased. There was no recovery of weapon from him. There is no evidence that he played any active role in of murder of deceased Waqas. Only his presence at the crime scene has been established. Applicant has been in jail for about twenty (20) months and only 04 PWs out of 16 PWs are examined. It is clear that the trial would not be completed in near future as

such the arguments put forward by the learned counsel for the complainant that bail should not be granted at the feg-end of the trial is not applicable in this case.

5. Keeping in view the above discussion I find this is a case of further inquiry as to the involvement of the applicant in the offence under section 302/34 PPC and as such the applicant namely **Muhammad Umer Khitab son of Sheikh Sajjad Ali** is hereby granted post arrest bail subject to furnishing solvent surety in the sum of Rs.5,00,000/- (Rupees Five Lacs) and P.R. bond in the like amount to the satisfaction of the trial Court.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the case on merits within three (06) months of the date of this order. Copy of this order shall be sent to concerned trial Court for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE