

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.2777 of 2023.

Date	Order with Signature of Judge
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For hearing of Bail Application.

15.02.2024.

Mr. Tahir Hussain Qureshi, advocate along with applicant.
Mr. Saleem Ahmed Shar, Assistant P.G.

Mohammad Karim Khan Agha, J. Applicant Sharmoon Gul Bajuri S/o. Gul Faraz Bajuri is facing trial in respect of FIR No.161 of 2023 of PS Shershah, Karachi lodged under Section 302/34 PPC. He applied for pre-arrest bail which was declined vide order dated 25.10.2023 by Additional Sessions Judge-I (West) Karachi, hence the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case as per FIR are that it seems to be that father Gul Faraz Bajuri of the applicant was murdered by the applicant along with one absconding brother with a churi who had an argument with the deceased/father on 24.07.2023 at about 09:00 pm due to property dispute, hence the aforesaid FIR was lodged against the applicant.

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

4. Admittedly this is a serious case of murder however there must be some legal admissible and cogent evidence to connect the applicant with the crime. As per FIR this case is based on hearsay evidence. There is no eye witness to the murder and no recovery has been made from the applicant. It appears that the applicant has been named in the FIR based on mere suspicion rather than hard evidence. Applicant is no longer required for investigation as the challan has been submitted and charge is about to be framed.

5. Based on the above discussion, I find this to be a case of further inquiry as the applicant has made out a case for pre-arrest bail as such his pre-arrest bail granted earlier by this Court on 06.12.2023 is confirmed on the same terms and conditions.

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 (03) months of the date of this order. Copy of this order shall be sent to Additional Sessions Judge-I (West) Karachi for compliance.

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

JUDGE