

Order Sheet
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

Cr. Bail Appl. No. S- 498 of 2025

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objections
For hearing of main case

Mr. Zubair Ahmed Khuhawar, Advocate for applicant
Mr. Altaf Sachal Awan, Advocate for Complainant
Ms. Sana Memon A.P.G

Date of Hearing : 09.02.2026
Date of Announcement : 13.02.2026

ORDER

Omar Sial, J. - On 08.03.2024, Sajid Phulpoto provided information to the Husri police station, upon which F.I.R. No. 26 of 2024 was registered under sections 302 and 404 P.P.C. Sajid reported that he has six brothers and that the eldest brother, Imran, drove a rickshaw for hire. On 03.03.2024, Sajid was with his brother Husain and cousin Nazeer when Nazeer asked him for money. On the phone, Sajid asked his brother Imran, who was taking some passengers to their destination, to come to him first on his way to drop the passengers. Imran arrived and gave Sajid the money Nazeer had asked for. Imran then drove away, but not before Sajid had seen Imran's passengers sitting in the rickshaw. They were identified as Anwar, Wazeer, Waqar, and a female named Hijab. Later that night, Sajid realized that Imran had not come home and could not be reached by phone. On an unspecified day, at 9:00 p.m., Sajid was informed on the phone that Imran's dead body was found in a deserted area. The body was retrieved and buried, and the F.I.R. registered. Wazeer was arrested and seeks post-arrest bail.

2. I have heard the applicant's and the complainant's learned counsels as well as the learned Assistant Prosecutor General. My observations and findings are as follows.

3. There is no other evidence collected against the applicant apart from the last time they were seen together. The 5-day delay in the lodging of the F.I.R. is not satisfactorily explained. The complainant's counsel has, however, said that the delay was because the family was busy with the deceased's last rites. In the

circumstances of the present case, the explanation is not satisfactory. A family that has found a brother murdered and who knew exactly who the brother was when last seen, would naturally inform the police rather than wait five days. Last seen evidence is a weak form of evidence and therefore must be strongly corroborated. In this case, there is a sufficient gap between the incident and the registration of the F.I.R., and when exactly the body was found also remains vague. The evidence collected will need to be analyzed after the trial to ensure that the Supreme Court's guidelines are followed. This is an area of further inquiry.

4. The call data record has not been shown to me to corroborate the phone calls that were made between the family and Imran. Hussain and Nazeer, both close relatives who were allegedly present at the scene when Imran was last seen, did not record their Section 161 Cr.P.C. statements until four days after the F.I.R. was registered. No explanation has been given for this delay.

5. Learned counsel for the complainant submitted that Imran's rickshaw was found on the lead of the applicant. For starters, there is no description or ownership of Imran's rickshaw on the record. Further, the rickshaw was found at the co-accused Ramzan's house, who was granted bail on 29.11.2024. This is an area for further inquiry.

6. The applicant's defence was that he was arrested for an alcohol-related offence on 04.03.2024. The applicant's mother approached the court by filing an application under Section 491, as seven persons had been picked up that night and none could be found. Immediately after the filing of Section 491 Cr.P.C., the F.I.R. was registered, and the applicant was made an accused therein. Given this development, malafide on the part of the police cannot conclusively be ruled out at this preliminary stage.

7. The case against the applicant is one of further inquiry, and he is therefore admitted to post-arrest bail against a surety of Rs. 100,000 (One Lac) and a P.R. Bond for the same amount to the satisfaction of the learned trial court.

JUDGE