IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.2903 of 2026

Applicant	:	Rao Muhammad Arstu son of Ali Haider *Through* Mr. Nadeem Baloch, Advocate.
Respondent	:	The State *Through* Mr. Qamaruddin Noori, Deputy Prosecutor General Sindh assisted by complainant (in person) and SIP Muhammad Khan Boohar, SHO, P.S. Steel Town.
Date of hearing	:	05.11.2026
Date of judgment	:	12.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** The applicant seeks post-arrest bail in a case bearing crime No. 466/2023, offence u/s 302, 109,34 PPC of PS Steel Town Karachi. His earlier bail application was dismissed by the learned Additional Sessions Judge-III, Malir, Karachi, on 17.08.2026.

2. According to the FIR lodged by Rana Muhammad Asim that an unidentified armed person fired upon his father Tanveer Ahmed on 24.08.2023 and escaped. The account of the occurrence was furnished to the complainant by the deceased's wife. The applicant was subsequently implicated during investigation. Learned counsel contended that the applicant was not nominated in the FIR; the assailant's face was muffled; the alleged recognition by voice was unreliable; no identification parade was conducted; and the reference to "Rao Ali" required reconciliation with the applicant's name. He further submitted that the alleged recovery and positive ballistic report could not independently establish the applicant's participation and that co-accused Muhammad Kashif alias Kashi and Mst. Nazia alias Shareefan Bibi had already been granted bail. The learned Deputy Prosecutor General opposed the application, relying upon the widow's statement, the alleged recovery and its forensic linkage. The complainant expressed confidence in the learned Deputy Prosecutor General to represent his position.

3. Heard learned counsel and examined the record. Although the applicant's non-nomination in the FIR calls for scrutiny, the material subsequently collected cannot be excluded merely on that account. The deceased's widow attributed a specific role to the applicant. Her statement, reproduced in the impugned order, describes an encounter on the

preceding day when “Rao Ali”, accompanied by Nazia and allegedly carrying a pistol, threatened the deceased. She further claimed that, during the occurrence, she recognized the muffled assailant by his voice when he fired upon and abused her husband. Recognition by voice requires caution, and the witness’s familiarity, opportunity of recognition and omission to identify the applicant in the initial account remain matters for trial. Nevertheless, the prosecution alleges recognition following a recent encounter, supported by a separate incriminating circumstance; the case is not founded solely upon the disclosure of a co-accused.

4. The firearm examination report No.FD/FA/1181/2026 records that all four .30-bore crime empties, marked C1 to C4 and previously examined in the present case, were fired from the pistol submitted in connected FIR No.174/2026. The prosecution attributes recovery of that pistol to the applicant. In 2012 SCMR 428[1], relied upon by learned counsel, the Supreme Court held that a ballistic report is corroborative and cannot establish guilt where identification remains unproved. The principle does not require exclusion of such evidence from consideration alongside an account identifying the assailant. Here, the positive report furnishes prima facie corroboration to the widow’s allegation. Proof of recovery, safe custody, transmission and the reliability of recognition shall be determined at trial; no final finding on those matters is warranted at this stage.

5. The authorities cited by learned counsel turn upon materially different circumstances. In 2024 SCMR 476[2], the occurrence was witnessed and the weapon was recovered from the petitioner’s brother in his absence. In 2021 SCMR 1032[3], no recovery was attributed to the petitioners, whereas a weapon matching some crime empties was recovered from another co-accused. In 2024 SCMR 205[4], the cumulative effect of belated nomination, changing supplementary statements and deficiencies in the connecting material warranted further inquiry. The decisions reported as 2022 SCMR 828, 2023 SCMR 1140 and PLD 2012 SC 222 likewise concern infirmities in subsequent implication or identification. They require examination of the particular material against an accused and do not make non-nomination or subsequent implication an independent entitlement to bail. The present combination of alleged recognition, a preceding threat and recovery of the matching weapon materially distinguishes the applicant’s case.

---

[1] *Zeeshan alias Shani v. The State*
[2] *Akhtar v. Khwas Khan and another*
[3] *Anwar Shaheen and another v. The State and another*
[4] *Naveed Sattar v. The State and others*

6. The claim of consistency is also misconceived. The bail orders of Muhammad Kashif alias Kashi and Mst. Nazia record absence of an active role or incriminating recovery and deficiencies in the material connecting them with the occurrence. The applicant is alleged to be the actual assailant, with recovery of the matching pistol attributed to him. The substantial similarity necessary for applying 2021 SCMR 1263[5], 2023 SCMR 383[6] and 2018 YLR Note 113[7] is, therefore, lacking. Any inadmissible confessional assertion made by a co-accused to police may be left out of consideration without eliminating the independent material discussed above.

7. The medical evidence supports death through firearm injuries but does not identify the offender. Similarly, alleged absconding cannot substitute for evidence connecting the applicant with the offence. This conclusion rests upon neither circumstance independently. The reporting interval, discrepancy in the applicant's name and reliability of the subsequent account remain open to examination; considered cumulatively with the remaining material, however, they do not presently bring the case within section 497(2), Cr.P.C. The authorities concerning unexplained reporting delay and inconclusive CDR evidence, including 2022 SCMR 663[8], do not alter that assessment, particularly as the present conclusion does not depend upon CDR evidence.

8. For these reasons, a tentative assessment discloses reasonable grounds for believing that the applicant is connected with the alleged offence falling within the prohibitory clause of section 497(1), Cr.P.C. The application is consequently dismissed. However, learned trial court is directed to conclude the trial preferably within span of four months on receipt of this order. These observations are tentative and shall not influence the trial Court, which shall decide the case independently upon the evidence brought before it.

J U D G E

---

[5] *Hussain Ahmed v. The State and others*
[6] *Mst. Asiya v. The State and another*
[7] *Abdul Waheed and another v. The State*
[8] *Chaudhry Nadeem Sultan v. The State*