

Order sheet
**IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD**

Cr. B.A. No. S- 1046 of 2016

DATED **ORDER WITH SIGNATURE OF JUDGE**

31.01.2018

For orders on office objection
For hearing

Applicant is present on interim bail
Mr. Shahid Ahmed Shaikh, D.P.G.

OMAR SIAL, J.- Applicant Nazeer Ahmed has sought pre-arrest bail in Crime No. 22 of 2016 registered under Section 302 & 34 P.P.C. at Jamshoro police station. Earlier his pre-arrest bail application was turned down by the learned Additional Sessions Judge, Kotri on 20.6.2016.

2. The F.I.R. in the case was registered by Abdul Majeed on 20-1-2016. He reported that his brother deceased Muhammad Shafi was serving in Thermal Power House, Jamshoro and was residing alone in the colony of Thermal Power House. On 2-1-2016 he was informed by one Abbas Ali on mobile phone that the dead body of his brother is lying in the house, such information was conveyed by me to Jamshoro police station. The police after completing necessary formalities handed over the dead body to me. During condolence the nephew of complainant told him that a minute before the murder his brother Muhammad Shafi called him on mobile and told him that Nazeer & Bashir along with his companions have just trespassed his house and will kill him. Such FIR was registered at above police station.

3. I have heard the learned counsel for the Applicant as well as the learned DPG. The complainant remained absent. My observations are as follows:-

- i. This is a blind murder case with no meaningful evidence gathered as yet. The entire case against the Applicant appears to be on hearsay evidence. The complainant was informed by his nephew that the deceased had informed the nephew that the Applicant and another named Bashir had leapt over the wall of his house and that they might murder him. Further, it is alleged that the call data record shows that the deceased had indeed called his nephew at some time at night. It is also alleged that the Applicant was the caregiver for the deceased but that the deceased had told him to go away as he did not take care of the deceased. No recovery has been

made to date. This appears to be the entire evidence till now against the Applicant. No doubt humiliation and disgrace will be caused to the Applicant if arrested. Prima facie the evidence available till now is not enough to deny the Applicant bail. The case of the Applicant is one of further enquiry.

4. For the above reason, the interim pre-arrest bail granted to the Applicant on 9.12.2016 is confirmed on the same terms and conditions.

JUDGE

karar_memon/PS*