

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Application No.467 of 2019

Date	Order with signature of Judge
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For hearing of bail application.

1. For orders on M.A No.3242/2019 (U/A)
2. For orders on office objection a/w reply at "A"
3. For orders on M.A No.3243/2019 (Ex/A)
4. For hearing of Bail Application.

08.04.2019

Ms. Saadia Khatoon, Advocate alongwith applicant.

NAZAR AKBAR, J. The Applicant Abdul Waheed after failing to obtain post arrest bail from the Court of V-Additional Sessions Judge, East Karachi in FIR No.88/2019 under Section 302/34 PPC registered at P.S Soldier Bazar, Karachi has preferred this bail application.

2. Brief facts as stated in the FIR are that Complainant Haider Ali Shah lodged FIR stating therein that on 25.03.2019 he was present at house when one Abdul Waheed informed him that at 04:15 pm. his nephew namely Faisal Abbas committed suicide. The nephew of complainant was working at Garden West Water Plant of Abdul Waheed since one and half year. On such information, at about 05:00 hours, the complainant alongwith his family members reached at the venue of occurrence, where he saw his nephew was lying on floor and police was present there, one little rope was lying near his dead body. Nephew of the complainant was already expired. The complainant checked neck of his nephew and found his jugular vein broken and water was coming out from his mouth and nose and there was mark of rope on his neck. Thereafter the complainant alongwith police took

dead body of deceased in ambulance to civil hospital where legal proceedings were conducted by ASI Abdul Qayyyoum. The complainant did not allow the MLO to conduct post mortem of dead body and after legal formalities, the dead body was handed over to the complainant. The complainant buried the dead body of his nephew Faisal Abbas whose father was in village. Thereafter the complainant lodged such FIR against the applicant/accused for committing murder of his nephew.

3. The counsel for applicant has contended that the applicant/accused is innocent and has been falsely implicated in the instant case by the complainant with malafide intention. She further contended that there is a vast and unexplained and inordinate delay in lodging the FIR which shows the malafide of the complainant. She lastly prayed that the applicant/accused is entitled for grant of bail.

5. I have considered the arguments advanced by the counsel for the applicant and examined the contents of FIR and noted from the record as follows:-

- i. The applicant/accused is nominated in the FIR with specific role of committing murder of the complainant.
- ii. The applicant has failed to point out any enmity against the complainant side for falsely implicating him with alleged incident in which innocent person has done to death.
- iii. The alleged offence under Section 302 PPC is punishable for imprisonment for life.

4. The offence is punishable for imprisonment for life and therefore, in terms of **Section 497 Cr.P.C** the accused shall not be

entitled to bail as there appear reasonable grounds for believing that he has been guilty of (an offence punishable with death or imprisonment for life).

5. The cruxes of the above discussion is that keeping in view the above facts and discussion the applicant is not entitled to post-arrest bail at this stage and, therefore, instant Criminal Bail Application is dismissed alongwith listed applications.

6. Needless, to mention here that the observations made hereinabove are tentative in nature and should not influence trial Court while deciding the case of the applicant/accused.

JUDGE

Ayaz Gul