

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Application No.1451 of 2018

Date	Order with signature of Judge
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Present: Mr. Justice Nazar Akbar

Applicant : Muhammad Hanif, through
Mr. Abdul Nabi Joyo, advocate.

Versus

Respondent : The State,
Through Ms. Rubina Qadir, D.P.G.

Mr. Liaquat Ali Jamari, advocate a/w
complainant.

Date of hearing : **17.04.2019**

Date of decision : **17.04.2019**

ORDER

NAZAR AKBAR, J. The Applicant Muhammad Hanif after failing to obtain post-arrest bail from the Court of Additional Sessions Judge, Sujawal in FIR No.43/2017 under Sections 302, 324, 37-F(i), 114 147, 148 and 149 PPC registered at P.S Chuhar Jamali, has preferred this bail application.

2. Brief facts as stated in the FIR are that on 08.11.2017 at 1800 hours the complainant Shoukat Jamali appeared at P.S and lodged the FIR stating therein that on 07.11.2017 at 1730 hours he alongwith his brother Abdul Sattar, cousins Abdul Salam and Muhammad Aslam after finishing their work left for their village from Chuhar Jamali on two motorcycles. The complainant and P.W Aslam were on one motorcycle, while Abdul Sattar and Abdul Salam were boarded on other motorcycle. When they reached at Farooque Rice Mill, two motorcycles crossed them whereupon accused Muhammad

Chang, Uris Chang, Aslam Chang, Muhammad Hanif Chang (present applicant) and Ali Chang were boarded. The accused stopped the brother of complainant namely Abdul Sattar, then all the five accused took out the pistols from their folds. The accused Muhammad Chang instigated remaining accused to kill Abdul Sattar. On his instigation, the accused Uris Chang made straight fire with pistol upon Abdul Sattar, which hit him on right side of shoulder, accused Hanif Chang (present applicant) made straight fire upon Abdul Sattar which hit on right side of back of shoulder, accused Ali Chang made straight fire upon Abdul Sattar on right side of back side of Abdul Sattar, who fell down on earth. The accused Aslam Chang made fire upon Abdul Sattar which hit him on right side of back. The accused Uris Chang and Hanif Chang (present applicant) also made fires upon P.W/injured Abdul Salam which hit him on his hand and fingers. Thereafter the accused boarded on their motorcycles and went away towards Shahbunder. The complainant party arranged vehicle, took the injured to hospital Chuhar Jamali, and informed the police. The injured were referred to Civil hospital Thatta, where Abdul Sattar succumbed to injuries. His dead body brought at Chuhar Jamali and after postmortem, the dead body was handed over to complainant party. After funeral ceremony the complainant party appeared as Police Station and lodged the FIR.

3. Learned counsel for applicant has mainly contended that there is delay of about one day between incident and FIR, therefore, consultation and false implication of applicant in this case cannot be ruled out. He further contended that the applicant is innocent and has been falsely implicated by the complainant in this case due to previous enmity between the parties owing to an FIR lodge by the

complainant in 2012. He lastly prayed for grant of bail to the applicant.

4. Learned D.P.G has also opposed the grant of bail to the applicant/accused on the ground that the applicant is involved in a heinous crime and nominated in the FIR. The eye witnesses have supported the contents of FIR, therefore, in terms of Section 497 Cr.P.C he is not entitled for concession of bail.

5. I have considered the arguments advanced by the counsel for the parties and examined the contents of FIR and challan.

6. The contents of FIR and challan show that the specific roles are assigned to each of the applicants and there are eye witnesses of the incident and there is hardly any justification to believe that somebody would lie to save the real culprits and named the persons mentioned in the FIR. Real brother of the deceased is the witness of the incident, therefore, no case made out for bail in a heinous crime.

7. In view of the above, the applicant is not entitled to pot-arrest bail, therefore, instant bail application is dismissed.

8. The observations made hereinabove are tentative in nature and would not influence trial Court while deciding the case of the applicant/accused.

JUDGE

Karachi
Dated: 17.04.2019

Ayaz Gul