

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Application No. 1610 of 2018

Date	Order with Signature of Judge
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FOR HEARING OF BAIL APPLICATION.

Date of short order: 23.07.2019.

Applicant Ahsanullah through Mr. Ghulam Shabbir Babar, advocate.

Complainant Fareed Bux through Mr. Liaquat Ali, advocate.

State through Mr. Sagheer Ahmed Abbasi, APG.

ORDER

FAHIM AHMED SIDDIQUI, J:- The applicant is seeking post arrest bail in case registered against him at PS Sohrab Goth, Karachi through F.I.R. No. 237/2017 under Sections 302 & 34 PPC. A similar plea of the applicant was already declined by the trial Court i.e. Additional Sessions Judge-IV; Malir through impugned order dated 05-04-2018.

2. The learned advocates for the applicant and complainant as well the learned APG have preferred their submissions at length. I have heard their arguments and perused the record and citations available or placed on record. On the basis of submissions made and record placed before me, I have observed as under:

- a) The allegation against the applicant is that on account of jealousy, he along with his associates killed the deceased Shafique Ahmed by causing firearm injury to him.
- b) As per allegations, the incident was taken place at the odd hours of night and the accused party, while armed with the deadly weapons, came at the place of deceased and there was no retaliation, as such apparently they are aggressor and purposely came at the house of the deceased with intention to murder him.
- c) The F.I.R. is promptly lodged in which the applicant and his associates have been nominated with the part assigned to them in the commission of offence.

- d) It has also come on record that the motive is against the applicant. The enmity between the parties is on account of Mst. Zubeda, who was previously wife of applicant and after getting Khula entered into marital bond with deceased.
- e) Mst. Zubeda in her statement fully implicated the applicant as the author of the offence and being wife of deceased, she is a natural witness.
- f) Some of the nominated accused persons are still at large, and it cannot be ruled out that after bail, the applicant may follow the footsteps of absconding accused and becomes absconder.
- g) In the instant matter, the version of complainant is duly supported by the prosecution witnesses in their statements recorded under Sections 161 & 164 Cr.P.C.

3. The upshot of the above discussion is that no case of bail has been made out in favour of the applicant, as such the instant bail application is declined.

4. These are the reasons for my short order dated 23-07-2019 and I would like to make it clear that the above observations are purely tentative in nature, and the same is only meant for the purpose of disposal of instant bail application and would have no bearing on either party's case during trial.

J U D G E

Dated: _____