

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
 Criminal Bail Application No. 1314 of 2020

Date	Order with Signature of the Judge
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For hearing of bail application.

Heard on : 21.09.2020
 For Applicant : Syed Hafizuddin, Advocate.
 For State : Mr. Hussain Bux Baloch, Addl.P.G.
 alongwith SIP Syed Tahir Abbas, PS
 Khokhrapar, Karachi

Muhammad Akhter son of Muhammad Siddique and Muhammad Hanif
 son of Muhammad Ashraf.

Kausar Sultana Hussain, J:- Through instant Bail Application, applicant / accused Muhammad Farazuddin son of Muhammad Riazuddin seeks his release on post arrest bail in Crime No. 24 of 2013, registered at PS Khokhrapar, Karachi under Section 302/34 PPC. The bail plea was raised by him before the learned trial Court but his request was turned down vide order dated 31.08.2020.

2. At the very outset the learned counsel for applicant/accused argued that applicant/accused is quite innocent and has been falsely implicated in this case by the police. Learned counsel for applicant/accused next contended that the name of the applicant / accused is not mentioned in the FIR, while his name was disclosed by the co-accused during investigation, which has no legal sanctity being barred by the law of Qanoon-i-Shahadat. Per learned counsel co-accused have already been acquitted by the learned trial Court on 24.10.2019. The learned counsel for the applicant/accused has further argued that there is no prima facie case against him, no evidence, no eye witness and no

medical report against the applicant/accused. Hence the matter requires further enquiry, therefore he may be admitted to bail.

3. Conversely, learned Addl.P.G has opposed for grant of bail application to the applicant/accused, on the ground that the applicant/accused is remained absconder inspite of issuance of warrants; that the applicant/accused is also involved in other criminal cases of same nature. He lastly prayed that since the applicant / accused has committed a heinous crime, which falls within the ambit of prohibitory clause of 497(1), therefore, he is not entitled for concession of bail and the present post-arrest bail is liable to be dismissed.

4. I have heard the arguments of both the parties and also perused the available police record. While perusing the record, it reveals that this is a blind murder case; the applicant / accused is not nominated in the FIR, while the co-accused Faisal Islam alias Billa has already been acquitted by the learned trial Court, vide judgment dated 24.10.2019, therefore, matter of the applicant/accused requires further enquiry. In these circumstances, I allow this bail application.

5. Needless to mention here that observations, if any, made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant / accused on merits.

6. Above are the reasons for short order dated 21.09.2020.

J U D G E