

ORDER-SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No. 867 of 2019

Date of hearing	Order with signature of Judge
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FOR HEARING OF BAIL APPLICATION

Date of short order: 02.08.2019

Applicant Adil through Mr. Muhammad Arshad Tariq advocate.
Complainant Muhammad Shakir Habib through Mr. Shariq Naveed,
advocate.
The State through Mr. Sagheer Ahmed Abbasi, APG.

ORDER

FAHIM AHMED SIDDIQUI, J:- By filing the instant bail application, the applicant is seeking his release on bail pending trial of Sessions Case No. 1869/2018 before the Court of Additional Sessions Judge-X, Karachi East. The said case was initiated on the basis of F.I.R. No. 431/2018 under Sections 302 & 34 PPC lodged at PS Korangi.

2. I have heard the arguments advanced at bar and have gone through the relevant record as well as citations relied upon during arguments. From the hearing and record, I formed a view that the applicant is not entitled for concession of bail at this stage of the trial and such a view was pronounced through my short order dated 02-08-2019. Now I am going to pen down the reasons for coming to such conclusion of myself short order.

3. The F.I.R. was lodged by Muhammad Shakir Habib, who reported about the murder of his maternal nephew namely Bilal aged about 24 years. As per F.I.R., the deceased was killed by unknown persons due to some animosity by slitting his neck with a knife. Although, the F.I.R. is silent about the culprits but it was revealed after investigation that the applicant is the author of the said offence and the motive of murder was also deciphered by the investigators. As per investigation, the motive of the alleged incident is the occurrence of some inappropriate words by the deceased regarding the wife of co-accused Kashan. It is also deciphered by the investigator that at the time of the alleged incident, applicant, co-accused Kashan and deceased Bilal were sitting in triplet on the motorbike. The applicant was driving the motorbike,

while the deceased was sitting in between the applicant and co-accused Kashan, who cut the throat of the deceased with a knife. After the incident, the accused persons succeeded in escaping from the scene of offence and on a tip off, they were arrested.

4. The applicant is the individual who has provided assistance to his co-accused Kashan in the murder of the deceased and after the incident, he was not only disappeared from the scene of offence but also remained mum unless arrested. From the statement of the applicant recorded during the investigation, it appears that the applicant was well aware of the motive for the incident. In such a situation, the applicant has acted not only as a facilitator but also an operational planner in respect of the murder of the deceased. If the applicant was not having any hand in the alleged incident, he should have to attend the deceased and to endeavour to provide him timely medical aid to save his life and also to report the incident to the police. But in spite of doing all these things, he not only decamped from the scene of offence but remained silent till his arrest by the police during the investigation of the case. It is also revealed during investigation that the applicant is not even simply reported the incident to police but he also washed his blood stained clothes to conceal some evidence regarding the incident. The act of the applicant is highly dubious and villainous, especially when the applicant was a friend of the deceased.

5. Considering such facts, the learned trial Court has dismissed the bail application of the applicant twice. In my humble view, the allegations regarding the part played by the applicant in the alleged incident do not warrant to consider his bail plea sympathetically as there are chances of further tampering with the prosecution evidence, hence the applicant is not entitled for concession of bail at this stage of trial.

6. Needless to say that the above observations are tentative in nature and the same are made only for disposal of this bail application, as such they have no bearing on the trial of the applicant.

JUDGE

Dated: _____