

ORDER-SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No. 1021 of 2019

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

Date of short order: 31.07.2019

Applicant Mazal Khan through Mr. Mushtaq Ahmed Joiya, advocate
along-with Ms Azra Hammad, advocate.
The State through Mr. Sagheer Ahmed Abbasi, APG.

ORDER

FAHIM AHMED SIDDIQUI, J:- The applicant is seeking his release on bail pending trial in a case registered against him at Police Station Docks, being F.I.R. No. 157 of 2019 under Sections 302, 201, 203, 109 & 34 PPC.

2. The learned counsel for the applicant, Mr. Mushtaq Ahmed Joiya argued the matter at length in support of the instant bail application, which was rebutted by opposing the same by the learned APG. After hearing the learned counsel for the parties, going through the record and getting guidance from the citations relied upon, I have observed as under:

- a) The allegations against the applicant are that he has beaten his wife mercilessly on some domestic issue due to which she received severe injuries in the shape of the fractured hand, while bruise and blues were available on the entire body. It is also allegations against the applicant that he with the help of co-accused tried to conceal the offence.
- b) In the instant case, the statement of the daughter of deceased as well as the applicant is important in which she had fully implicated her father for brutality with her mother.
- b) According to the statement of Gul Dana, daughter of applicant, there was some quarrel between the applicant and his wife deceased Shadunuma on her marriage, which was fixed as exchanged marriage as he intends to take the sister of her

bridegroom for himself. On such issue, he has brutally beaten her mother owing to which she subsequently died.

- c) As per investigation, as well as in the light of the statement of the daughter of the applicant; the applicant is the main culprit of the alleged incident in which an innocent woman lost her life.
- d) As per medicolegal reports, the deceased received several injuries like multiple fractures on left wrist, bruise on both arms, knees, blue circles on both eyes, bump in back side of head, right side ribs were fractured, while blue marks were available on different parts. All these injuries indicate that the deceased was mercilessly beaten, which is not common in usual domestic violence and it amounts to third-degree torture and a cold-blooded murder.
- e) The incident has taken place within the house of the applicant and after the incident, he escaped from the scene of offence and arrested with great efforts of the investigators, which itself sufficient to involve the applicant in the commission of offence.
- f) The motive is available against the applicant, as he intends to marry a girl and for the same purpose, he was ready to give the hand of his daughter in exchange of his own second marriage. The same issue was the cause of the incident in which deceased lost her life by the hand of the applicant.
- g) The defence has taken plea that the deceased was a patient of epilepsy and due to the effect of epilepsy, she fell down on the stairs and received injuries. It is noteworthy that no record of suffering of the deceased with the element of epilepsy is produced; besides such multiple injuries are not possible for an epilepsy patient who fell down in a fit of epilepsy.
- h) Although some of the co-accused have been granted bail but the part assigned to the applicant and the motive is very much available against him, while his own daughter has deposed against him, as such sufficient material is available with the prosecution to connect the applicant with the alleged incident.

3. The upshot of the above discussion is that at least at this stage the applicant is not entitled for the concession of bail, as such the post arrest bail of the applicant was declined through a short order dated 31-07-2019 and these are the reasons for the same.

4. 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: _____