

# IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appln. No. 448 of 2017

Applicants/accused : Muhammad Aslam s/o Muhammad Din,  
Muhammad Arshad s/o Muhammad Din,  
Asadullah s/o Muhammad Arshad  
through Mr. Nasrullah Malik, Advocate.

Respondent : The State, through Mr. Abrar Ali Khichi,  
learned APG.

Complainant, through Mr. Rao Gul  
Hassan, Advocate

Date of hearing &  
short Order : 04.05.2017

## ORDER

**YOUSUF ALI SAYEED, J.** Following the dismissal of their initial bail application before the VIIth Additional Sessions Judge, Karach (East), the Applicant has invoked the jurisdiction of this Court in terms of this subsequent Application under Section 497 Cr. P.C., whereby they seek bail in relation to an alleged offence under S. 302, 324/34 PPC, which is the subject of FIR No.522/2016 registered on 16.09.2016 at P.S. Zaman Town, Karachi (the "**FIR**").

2. The brief facts of the prosecution case, as set out in the FIR lodged by the Complainant, one Muhammad Imran, are that on the day of incident (i.e. 16.09.2016), he was present at his house at quarter past seven when he heard an altercation taking place. It is said that the Complainant and his maternal uncle, Khalid, went to investigate, they saw the Applicants present with daggers and sticks. It is said that the Applicants launched a deadly assault during the course of which Khalid sustained stab wounds that claimed his life and two other persons, namely Zeeshan and Faheem, sustained injuries.

4. Learned counsel for the Applicant contends that the Applicants are innocent and have been falsely implicated due to enmity between them and the Complainant. In an endeavor to demonstrate the falsity of the allegations he contended that the date of the FIR is a day prior to the date of the alleged incident.

5. The learned APG has strongly opposed the Application, and has pointed out that Applicants are specifically named in the FIR with assigned roles and there is sufficient material to connect the accused with the commission of the offence. He submits that the wounds resulting in the fatality as well as the injuries sustained by the two survivors stand established as per the medical record.
6. Having considered the matter, I am of the view that no fit case for grant of bail has been made out. The fatal injuries to the deceased and the presence of blood stained earth at the scene of the incident are not in doubt. No reasonable case of false implication stands made out as sought to be contended by learned counsel for the Applicants, and the claim of the FIR predating the occurrence is belied by a perusal of the FIR in as much as the same is dated 16.09.2016 at 0200 hours and narrates of an attack said to have occurred a few hours earlier, during the previous evening.
7. Needless to say, the observations made above are tentative in nature and should not to be read so as to influence the trial Court in its determination of the main case in any manner whatsoever.
8. These are the reasons for the short Order dictated in Court on 04.05.2017 whereby the instant bail Application was dismissed.

JUDGE