

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No. 183 & 184 of 2022

Date	Order with Signature(s) of Judge(s)
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For hearing of bail application.

07.03.2022

Mr. Bahzad Haider, Advocate for applicants/accused.

Mr. Raja Muhammad Khalil-uz-Zaman, Advocate for complainant.

Mr. Faheem Hussain Panhwar, D.P.G.

By this common order I intend to dispose of both the aforementioned bail applications, as the same being arisen out of the same F.I.R. have been heard together.

2. Through instant criminal bail applications, applicants/accused Muhammad Faheem and Umar both sons of Muhammad Akram seek post arrest bail in Crime No. 991 of 2021, registered under Section 324, 34 P.P.C., at P.S. Defence, Karachi. Their earlier applications for the same concession bearing No. 4638 & 4639 of 2021 were heard and dismissed by the learned Additional Sessions Judge-XI, Karachi-South vide order dated 17.01.2022.

3. It is alleged that on 08.12.2021 at 0007 hours, at street No. 14/15, Sector "A" Qayyumabad, Karachi accused Muhammad Akram s/o. Muhammad Miskeen armed with deadly weapon fired at Zohaib, who later on died during treatment. The motive behind the alleged murder was annoyance of accused party with deceased on account of matrimonial dispute with the daughter of complainant.

4. Heard the learned counsel for the applicant as well as learned Deputy Prosecutor General and complainant, so also perused the material available on record.

5. It is an admitted position that the name of applicants are not mentioned in the F.I.R. Eyes-witnesses, namely, Muhammad Rehan, Muhammad Sabir and Shakeel Ahmed in their 161, Cr.P.C. statements have deposed about their presence at the occurrence empty handed alongwith co-accused Muhammad Akram/the father of the applicants, who allegedly made fires at the deceased; as such, no specific fire or injury stands attributed to the applicants and admittedly no weapon has been recovered from their custody during the investigation. The question of vicarious liability of the applicants with regard to the commonness of their intention for the commission of the alleged offence under the circumstances will be determined at the trial; therefore, the guilt of the present applicants requires further enquiry as envisaged under subsection (2) of Section 497, Cr. P.C. Hence, instant applications are allowed, and in result thereof the applicants are admitted to post-arrest bail in aforesaid crime/offence subject to furnishing by them solvent surety in the sum of Rs. 2,00,000/- (*Rupees Two Lacs only*) each and PR bond in the like amount to the satisfaction of the trial Court.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicants on merits. However, in case the applicants misuse the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving them notice, in accordance with law.

The instant Cr. Bail Applications stand disposed of.

JUDGE