

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Application No. 135 of 2022**

Applicant : Hameedullah @ Chura s/o Khursheed Anwar,  
through Mr. Abbas Ali Sahar, advocate.

Respondent : The State, through Mr. Faheem Hussain  
Panhwar, Deputy Prosecutor General,

Complainant : Amjad Khan s/o Qamrosh Khan, through  
Mr. Mujeebullah, advocate

-----

Date of hearing : 27.04.2022  
Date of order : 27.04.2022

-----

**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Applicant/accused Hameedullah @ Chura s/o Khursheed Anwar being abortive to get the relief of post-arrest bail from the Court of Additional Sessions Judge-VI, Karachi-West in a CrI. Bail Application filed in Sessions Case No. 2442/2021 vide order, dated 25.11.2021, through instant application seeks the same relief from this Court in Crime/FIR No.19 of 2021, registered under sections 302/34, PPC at P.S. CTD, Karachi.

2. Precisely, the case of the prosecution is that on 18.02.2021 at about 10:15 hrs. police constable Shiraz Khan, the brother of the complainant, after receiving a phone call went out of house on a motorcycle. Thereafter, the father of the complainant received a phone call that Shiraz Khan had been murdered. The complainant alongwith his father reached Abbassi Shaheed Hospital and saw the dead body of his brother in mortuary. Later, they came to know that two unknown accused persons committed *qatl amd* of the deceased by causing him firearm injuries at Khattak Chowk, Metroville, Block No.1, SITE Area, Keamari, Karachi, for that aforesaid F.I.R. was registered.

3. After hearing the learned counsel for the parties as well as learned D.P.G. and perusing the material available on record, it appears that the F.I.R. was lodged against two unknown accused persons; thereafter, on 20.2.2021, statement

of eye witness, namely, Imran Khan S/o Bakhtaran was recorded under section 161, Cr.P.C., in which he disclosed that he saw two unknown accused persons committing the alleged murder and he also saw one Faizullah @ Sur running from the place of incident. During course of the investigation, I.O obtained call data record (CDR) of the deceased's mobile phone, which reflected that at the relevant time the deceased received calls from the mobile phones of Attaullah, Sher Khan and Mst. Gul Naz (*the mother of accsued Faizullah @ Sur*). Later, on 15.3.2021, accused persons, namely, Hameedullah @ Chhura and Faizullah @ Sur were arrested on the pointation of complainant. On 20-03-2021, eye-witness Imran Khan identified the applicant and co-accsued Faizullah in identification parade conducted by the Judicial Magistrate concerned as accused persons who committed alleged murder of the deceased. As such, reasonable grounds exist to believe that the applicant is involved in commission of alleged offence.

4. So far the contentions of learned counsel for the applicant that the applicant was picked by law enforcement agencies and after that he was illegally implicated in this case due to mala fide intention and ulterior motive and the delay of 32 days from the date of lodging of F.I.R. in conducting identification parade are concerned, it may be observed that the identification parade was conducted on the fifth day of the arrest of the applicant and the issue of false implication of the applicant cannot be attended without going beyond the scope of tentative assessment, an attempt prohibited by law.

5. From the tentative assessment of the evidence in hands of prosecution, I am of the view that prima-facie sufficient evidence is available against the applicant to connect him with the commission of alleged offence, carrying punishment for death or imprisonment for life. Hence, instant criminal bail application is dismissed, accordingly.

6. Needless to mention here that the observations made hereinabove are tentative in nature and the same shall not influence the trial Court while deciding the case of applicant on merit.

JUDGE

*Abrar*