

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2348 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

24-01-2023

Mr. Ajab Khan Khattak, Advocate for applicant.
Mr. Muntazir Mehdi, Addl.P.G.

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Omar Sial, J: Hussain Ali has sought post arrest bail in crime number 54 of 2022 registered under sections 302 and 34 P.P.C. at the Site-A police station in Karachi, Earlier, his application seeking bail was dismissed on 23.11.2022 by the learned 8th Additional Sessions Judge, Karachi West.

2. A background to the case is that the dead body of a 45 year old man identified as Anwar was found having been shot by unknown persons. The F.I.R. was registered on behalf of the State by A.S.I. Mohammad Ali. The police recommended closure of the case in A Class.

3. I have heard the counsel and the learned Addl.P.G.

4. The record reflects that after the closure of the case in A class, the investigating officer of the case received a phone call from someone who identified himself as Gul Zada. Gul Zada, over the phone told the investigating officer that the man who had died of a bullet injury had actually died from a bullet that had been fired from a pistol owned by his son Hussain Ali. According to the information received, it was not that Hussain Ali had killed Anwar but that the bullet had been fired from a weapon owned by Hussain Ali. Hussain Ali was in Raiwand then and seems to have been arrested at some later point in time. The learned Addl.P.G. confirmed that apart from this piece of evidence there is no other evidence on record. The weapon was not recovered nor has the investigating officer been able to collect any cogent evidence. No post mortem report has been shown to me that would indicate what was the cause of death. There is

nothing on record to show where the dead body is. In complete contradiction to the prosecution case, it appears that Gul Zada had sent a complaint to the police high ups in which he had complained that his 3 sons have been picked up by A.S.I. Mohammad Ali alleging that they are involved in the murder of a person who was killed by unidentified persons and that the police officer released the 3 after taking bribe of Rs. 500,000. The current applicant was however picked up again after a few days and booked in the case.

5. The evidence on which the applicant has been arrested and incarcerated is not sufficient at this stage and establishing a nexus of the applicant with the crime complained of requires further inquiry. The applicant was therefore admitted to post arrest bail vide a short order dated 18.01.2023 subject to furnishing a solvent surety in the sum of Rs. 100,000 and a P.R. Bond. Above are the reasons for the short order.

JUDGE