

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Crl. Bail Application No. 78 of 2022

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGES</b>
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For hearing of bail application.

**24-05-2022**

Mr. Shoukat Ali Bugti, Advocate for applicant.  
Mr. Ayaz Ahmed Khoso, Advocate for complainant.  
Mr. Muntazir Mehdi, DPG.

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Omar Sial, J: Nasruddin has sought post arrest bail in crime number 496 of 2021 registered under sections 302 and 34 P.P.C. at the Korangi police station in Karachi. Earlier, his application seeking bail was dismissed by the learned 2<sup>nd</sup> Additional Sessions Judge, Karachi East on 14.12.2021.

2. Facts of the case are that the aforementioned F.I.R. was registered on the complaint of Heer Khatoon, a resident of Balochistan, on 31.08.2021. She recorded that the previous night one Pervaiz, who worked with her son Deedar in Karachi told her over the phone that some people had shot and killed Deedar. Heer Khatoon came to Karachi and learned that her son was working as a labourer and that he had been sleeping with Pervaiz at a hotel by the name of Belcha Hotel when the applicant, accompanied by one Dadan and an unidentified person had come and shot Deedar.

3. I have heard the learned counsel for the applicant who argued that there is not an iota of evidence against the applicant and that he has been implicated as his family and the family of the complainant have had a long standing enmity in Balochistan which has also resulted in cases being filed there. The learned counsel for the complainant as well as the learned DPG have both argued that the applicant has been nominated as a co-accused named him and the learned counsel for the complainant has further argued that a crime weapon was also recovered. I have heard the learned counsels and perused the record.

4. The record reveals that the applicant was implicated in this crime on a statement made by Pervaiz (the same person who had called and told Heer Khatoon that her son had died). After investigation, Pervaiz himself was

nominated accused in the crime. Apart from the statement made by the co-accused, it has been explained to me that there is one other piece of evidence that is against the applicant i.e. recovery of the so called crime weapon. I am unable to understand as to how this is evidence against the applicant as the recovery of the alleged crime weapon was made from co-accused Dadan and not the applicant. In any case, the empty found from the scene of the crime did not match the weapon from which it was said to have been fired. The owner of the hotel has recorded his statement which does not implicate the applicant however does state that many un-savoury characters and drug and alcohol addicts would collect at the “hotel” and apart from indulging in nefarious activities would also sleep there – an activity – which according to him has continued unabated in spite of complaints to the authorities. At this preliminary stage, in my opinion, the mere statement of a co-accused would not suffice to decline the applicant bail.

5. In view of the above, the case against the applicant appears one of further inquiry.

6. Above are the reasons for the short order dated 29.04.2022.

JUDGE