

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No.486 of 2021

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

23rd November, 2021

M/s. Naveed Ahmed Khan and Muhammad Aslam Shar, Advocates for applicant.

Mr. Khadim Husain, Addl.P.G. a/w SIP Abdul Hameed, I.O. of the case.

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Omar Sial, J: Ghulam Rasool alias Jani has sought post arrest bail in crime number 58 of 2020 registered under sections 302, 201, 120-B, 311, 109 and 34 P.P.C. at the Ghora Bari police station in Thatta. Earlier, his application seeking bail was dismissed by the learned 1st Additional Sessions Judge, Thatta on 26.2.2021.

2. A background to the case is that the aforementioned F.I.R. was lodged on behalf of the State by Inspector Ameer Bux Khoso on 25-9-2020 reporting an offence which had occurred 25 days ago. He recorded that on 24.9.2020, one of his colleagues, S.I. Liaquat Ali Kumbhar, informed him that Mst. Azmat, a witness in one of the cases that he was investigating (F.I.R. No.109 of 2020) had been killed in the name of honour. Khoso along with Kumbhar went to the village of Azmat to investigate and learnt that a month ago Mst. Azmat had with her own free will married one Khuda Bux and that her parents were not happy with the marriage. A jirga was convened and held by the relatives of Azmat and Khuda Bux which comprised of (i) Molvi Muhammad Rahim Chandio (ii) Bahram (iii) Allahdino (iv) Natho (v) Punhoon (vi) Mola Bux and a few other unidentified persons.

3. The jirga decided that both Azmat and Khuda Bux should be located and killed. After three days of the jirga's decision, Khuda Bux brought Azmat back and handed her over to Molvi Muhammad Rahim Chandio. In compliance of the decision of the jirga and under the supervision of Molvi Muhammad Rahim Chandio, (i) Hussain (ii) Abdullah (iii) Ghulam Rasool alias Jani (iv) Qadir Bux (v) Khuda Bux (vi) Manzoor (vii) Siddique (viii) Moosa (ix) Mir Mohammad with

their common intention murdered Mst. Azmat and buried the body at an unknown place.

4. I have heard the learned counsel for the applicant as well as well as the learned Additional Prosecutor General. My observations and findings are as follows.

5. At the very outset the learned counsel for the applicant submitted that co-accused (i) Abdullah (ii) Manzoor (iii) Hussain have been admitted to post arrest bail on 26-2-2021 and 17-2-2021 whereas the co-accused (i) Molvi Mohammad Rahim Chandio (ii) Moosa (iii) Mir Muhammad (iv) Khuda Bux (v) Qadir Bux have all been admitted to pre-arrest bail on 13-2-2021.

6. The role of all the accused as alleged in the F.I.R is exactly the same i.e. they are all suspected of killing Azmat. To a query from the learned Additional Prosecutor General as to why the applicant deserves a separate treatment and not be entitled to bail on grounds of consistency, he replied that he does not deserve leniency, as he was the husband of the deceased. With much respect to the learned Additional Prosecutor General, the ground raised by him would not disentitle the applicant to be admitted to bail. The allegation as it exists, there being no other evidence, is that Khuda Bux brought the girl and handed her over to Molvi Mohammad Rahim Chandio. This was the last she was ostensibly seen. If both these individuals can be admitted to bail then the applicant too deserves the concession on grounds of consistency. It would be unfair to deny him the concession only on the ground that he was Azmat's husband. Further, a vague allegation that while in custody the applicant took the police to the place where Azmat was buried has also been made against the applicant. The truth of the matter will have to be determined at trial after evidence is led however at the moment it appears to be one of further inquiry.

7. Above are the reasons for the short order of 09.11.0201.

JUDGE