

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1612 of 2020

Date order with signature of Judge

For hearing of bail application.

14th December, 2020

Mr. Muhammad Haseeb Jamali, advocate for applicant.
Mr. Talib Ali Memon, APG. a/w ASI Akhtar Nawaz, I.O. of the case.

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Omar Sial, J: Tabish Yaseen Qureshi has sought post arrest bail in crime number 427 of 2020 registered under section 25 of the Sindh Arms Act 2013 at the Gizri police station. Earlier, his application seeking bail was dismissed by the learned 10th Additional Sessions Judge, Karachi South on 22-9-2020.

2. Facts relevant for the purpose of the present application are that one Dr. Maha Ali Shah committed suicide in her bathroom by shooting herself with a pistol. The suicide is not denied. Tabish Yaseen Qureshi is accused of providing Maha the pistol with which Maha committed suicide.

3. I have heard the learned counsel for the applicant as well as the learned APG. My observations are as follows.

4. The learned APG did not deny that the pistol in question is registered in the name of one Saad Siddiqui, who is also behind bars. The learned APG, who was assisted by the investigating officer of the case, also confirmed that the applicant has been booked in this case on the statement of the co-accused Saad Siddiqui, who told the investigation officer that he had sold the pistol to the applicant. The investigating officer confirmed that the record does not reveal the alleged sale nor does the sale of weapon happen in the manner alleged by Saad Siddiqui. He however relied on some whatsapp message that gives the impression that the applicant gave the pistol to Maha. Whether the evidence in the shape of whatsapp messages is admissible and whether the said messages reveal Tabish's complicity in the suicide of Maha needs to be proved at trial after evidence is led.

5. Section 25 of the Sindh Arms Act 2013 is as follows:

“25. Whoever uses or attempts to use firearm licensed or unlicensed or an imitation firearm with the purpose to commit any crime, any unlawful act or to resist or prevent his lawful arrest or detention or of any other person shall be punishable with imprisonment for a term which may extend to ten years and with fine.”

6. Whether the ingredients required for an offence under section 25 of the Act 2013 were satisfied also needs to be proved at trial. At this stage there is no evidence upon which I can form a tentative view that the weapon, even if given to Maha, was with the intent to aid her suicide. The case against the applicant is one of further inquiry.

7. Above are the reasons for my short order of 18-11-2020.

JUDGE