

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2385 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

10-03-2023

Mr. Waseem Gul, Advocate for applicant.

MR. Faheem Ahmed Panhwar, Addl.P.G.

Complainant present in person.

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Omar Sial, J: Gul Bibi has sought post arrest bail in crime number 457 of 2022 registered under sections 302, 202 and 34 P.P.C. at the Ittehad Town police station. Earlier, her application seeking bail was dismissed on 16.11.2022 by the learned 10th Additional Sessions Judge, Karachi West.

2. A background to the case is that the aforementioned F.I.R. was registered on 26.09.2022 on the complaint of one Abdul Zahir. Zahir recorded that his sister Sabra Bibi was married to one Abdul Ghafoor a month ago. On 25.09.2022 he was informed by his brother that Sabra Bibi had been injured. When Zahir went to her house, he saw his sister dead and that she had marks of violence having been inflicted on her body. He nominated Abdul Ghafoor and Ghafoor's entire family, which included the present applicant who was his mother. The allegation against the applicant is 2 fold (i) she concealed the fact that Abdul Ghafoor had killed Sabra Bibi and (ii) she was the one who instigated Abdul Ghafoor to kill Sabra. Abdul Ghafoor apparently confessed to his killing Sabra Bibi and in that regards also recorded a section 164 Cr.P.C. statement.

3. The learned counsels explained that the case against the applicant Gul Bibi is primarily for having committed an offence under section 202 P.P.C. There appears to be no evidence regarding her instigating her son to kill his wife, nor has the son in his section 164 Cr.P.C. statement assigned her any role. The only evidence against her at the moment is a bare

allegation made by the complainant. The learned trial court while dismissing the bail was of the view that the medical record of the deceased reflected several injuries on her body which could not possibly be the work of one man and thus she was not entitled to be released on bail. An offence under section 202 P.P.C. is a bailable offence. With much respect I am not inclined to agree with the learned trial judge that presence of marks of injuries on the body of the deceased, is sufficient to establish that it was the applicant who was responsible for inflicting or encouraging the infliction of those injuries. The case against the applicant as far as her involvement in the murder is concerned is certainly one of further inquiry. The applicant is also an old woman, which fact in itself entitles her to more of a concession.

4. In view of the above, the applicant is admitted to post arrest bail subject to her furnishing a solvent surety in the sum of Rs. 50,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE