

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 300 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

31-03-2023

Mr. Javed A. Rajput, Advocate a/w applicant.

Ms. Robina Qadir, Addl.P.G. /w SIP Nazar Hussain, I.O.

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Omar Sial, J: Lawrence is accused of having stabbed his elder brother to death on 15.08.2022. As none from the family was willing to report the crime, F.I.R. No. 494 of 2022 was registered under section 302 P.P.C. at the Korangi police station by A.S.I. Azhar Khan on 17.08.2022. Lawrence, before he could be arrested, applied for pre-arrest bail in the court of the learned 1st Additional Sessions Judge, Karachi East however the application was dismissed on 04.02.2023. The applicant did not surrender and has now approached this court for grant of pre-arrest bail.

2. Learned counsel for the applicant has argued that none from the family are witnesses; that the F.I.R. was delayed for 2 days and that the family members of the deceased have no objection if bail is granted. Learned Addl.P.G. has opposed the grant of bail. I have heard the learned counsel and the Addl.P.G. and my observations and findings are as follows.

3. The affidavit filed by the family members of the applicant holds little value. It is obvious that having lost one son, the family would try its utmost to not have the other son sent to prison. Similarly, the fact that the F.I.R. was delayed by 2 days holds little weight in the circumstances of the case, as time was rightly taken to convince the family to register an F.I.R. by the police and it was only after the family's refusal to do so that the F.I.R. was registered. The record reflects that there are 2 witnesses, Jai Ram and Vijay Kumar, who although might not be eye witnesses in the case but their statements under section 161 Cr.P.C., which were recorded within 48 hours

of the incident prima facie reveal that what they saw leads to the apparent conclusion at this preliminary stage that the applicant does indeed have a case to answer.

4. Learned counsel has not been able to offer an explanation as to how did the deceased die inside his house if, for a moment, it is presumed that the allegation was not correct. He has also been unable to offer an explanation as to what *malafide* did the State have in falsely implicating the applicant for the crime – a pre-requisite for the grant of pre-arrest bail.

5. Bail application stands dismissed.

JUDGE