

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 1481 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

22-02-2023

Mr. Imtiaz Hussain Bhutto, Advocate for applicant.

Ms. Robina Qadir, Addl.P.G. a/w SIP Ghulam Asghar, I.O. of the case.

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Omar Sial, J: Waleed Riaz has sought post arrest bail in crime number 549 of 2022 registered under sections 302, 201, 338-C and 34 P.P.C. at the Shah Latif Town police station. Earlier, his application seeking bail was dismissed on 21.07.2022 by the learned 1st Additional Sessions Judge, Malir, Karachi.

2. A background to the case is that on 06.05.2022, A.S.I. Naik Zada of the Shah Latif Town police station received information that a suspicious red colored bag had been thrown out of a moving vehicle. The policeman reached the spot and found a tortured dead body of a young woman inside the bag.

3. Police investigation revealed that the dead body was of a woman named Zareena and that she was 4 or 5 months pregnant at the time she was killed. It also transpired that Zareena had married one Naveed out of her own free will and that her ex-husband, Mohammad Afzal had registered F.I.R. No. 30 of 2019 under sections 365-B, 496-A, 380 and 34 at the Naseem Nagar police station in Hyderabad for her having been kidnapped. Naveed had disappeared from the scene by that time; however, the police found out that he had been living with Zareena in a property that was owned by the applicant. The applicant was therefore arrested and it is claimed by the police that during interrogation the applicant confessed that he along with Naveed and others had strangled Zareena.

4. I have heard the learned counsel for the applicant as well as the learned Addl.P.G. None appeared on behalf of the family of the deceased woman. My observations and findings are as follows.

5. The learned counsel for the applicant admits that the applicant was the landlord of the premises which he had rented out to Naveed and Zareena and in this regard, the applicant had entered into a tenancy agreement on 29.11.2021 with Naveed. Naveed is an absconder now. In a shoddy investigation, as is usually the case in gender based crimes of such a nature, the investigating officer was unable to find any other evidence of the involvement of the applicant in the murder of Zareena. No effort was made by the investigation officer to date to verify the genuineness and authenticity of the tenancy agreement that is on record. Prima facie the vehicle owned by the applicant was not the vehicle from which the dead body was ostensibly thrown. Merely the fact that the Naveed was a tenant in the premises owned by the applicant is not sufficient at this stage to establish a connection between the applicant and the crime complained of. Prima facie, the applicant had no reason to kill Zareena.

6. It has been argued by the learned Addl.P.G. that there were 2 SIMs in the name of the deceased. She had been regular contact from one of those numbers with 3 telephone numbers that were identified. None of the 3 numbers was owned or in use of the applicant. 2 of the numbers Zareena was mostly in contact with were owned by her husband Naveed whereas the 3rd was owned by a lady named Saira.

7. Upon a tentative assessment of the material available on record, it appears that the involvement of the applicant in the murder of Zareena requires further inquiry. He is therefore admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 500,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE