

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 12 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

03-04-2023

Raja Rashid Ali, Advocate for applicant.
Ms. Robina Qadir, Addl.P.G.

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Omar Sial, J: Sheikh Nasir alias Jagoo has sought post arrest bail in crime number 597 of 2022 registered under sections 302, 311, 201, 202, 147, 148, 149, 337-A(i) P.P.C. at the Peerabad police station in Karachi. Earlier, his application seeking bail was dismissed on 23.11.2022 by the learned 12th Additional Sessions Judge, Karachi West.

2. A background to the case is that the aforementioned F.I.R. was registered on 27.06.2022 on the complaint of A.S.I. Mumtaz Hussain. Mumtaz reported that he was on patrol duty when he was informed that a mob of people was beating 2 persons. He reached the identified place and saw 100 to 150 persons who were busy beating 2 men. One of the 2 men being beaten subsequently died while the other was injured. The police managed to arrest one person from the spot whose name was Ahsanullah. A pistol was recovered from him and 3 shells collected from the place of incident.

3. I have heard the learned counsel for the applicant and the learned Addl.P.G.

4. The only piece of evidence against the applicant is that another accused, Mohammad Ahmed, who was not named in the F.I.R., but was taken into custody at a later time, told the police that the applicant was also holding a stone at the place of occurrence. Another witness, Arif, recorded a section 164 Cr.P.C. statement in which he also has assigned no overt role to the applicant. The veracity and genuineness of his section 164

Cr.P.C. statement needs to be tested at trial as prima facie the manner in which the section 164 Cr.P.C. has been recorded is not very convincing. How was the applicant recognized so precisely in a mob of 100 to 150 persons, also requires clarification at trial. The case of the applicant is one of further inquiry.

5. In view of the above, the applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 200,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE