

**IN THE HIGH COURT OF SINDH KARACHI**

**CRL. BAIL APPLICATION NO. 1856 OF 2023**

Applicant : Raheem Bux Mehar,  
through Mr. Ali Muhammad  
Kakepto, Advocate

Respondent : The State  
through Mr. Muhammad Iqbal  
Awan, Additional Prosecutor  
General Sindh along with  
Inspector Fayyaz Ahmed CTD

Complainant : Rizwan Ali  
through M/s. Zulfiqar Ali Langah  
and Javed Panhwar, Advocates

Date of hearing : 1<sup>st</sup> November 2023

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**ORDER**

**Omar Sial, J.:** Raheem Bux has sought post-arrest bail in crime number 1505 of 2021, registered under sections 302, 109, 202 and 34 P.P.C. at the Shahrah-e-Faisal police station. Earlier on 11.03.2023, the learned 1<sup>st</sup> Additional Sessions Judge, Karachi East, dismissed the application filed by Raheem Bux Mehar seeking bail.

2. On 01.12.2021, Irfan Ali, while driving his car, was shot and killed by two unknown assailants riding a motorcycle. Two persons, Wajid and Ghulam Akbar, were arrested in this case. It was alleged that Wajid was driving the motorcycle and that Ghulam Akbar, sitting at the back of the motorcycle, was the shooter. Ostensibly, Ghulam Akbar, during interrogation, named the applicant as also being involved in the murder.

3. I have heard the learned counsels for the applicant, the complainant, and the learned Additional Prosecutor General.

4. The learned counsel for the applicant has argued that two boys were said to be the assailants riding the motorcycle but did not include the applicant. He further stated that the police, despite their best efforts, could not collect any evidence against the applicant. Learned counsel for the complainant argued that the applicant was the brother-in-law of the alleged shooter, Ghulam Akbar, and was also present at the scene of the crime. The learned Additional Prosecutor General was also of the same view as the learned counsel for the complainant. I have heard the learned counsels and the Additional Prosecutor General.

5. Queried about the reference to a section 164 statement in which the applicant admitted his guilt, as the same finds mention in the impugned order, both the learned counsel for the complainant and the Additional Prosecutor General, very frankly and honestly, conceded that the statement which the applicant recorded was not a confession. With their assistance, I, too, have gone through the section 164 Cr.P.C. statement recorded by the applicant. It is an exculpatory statement, which seems to support the allegation against Ghulam Akbar and the applicant's own wife. The deceased was the husband of the applicant's wife's sister. I would, however, like to make the observation that if the learned trial court determines at trial that the statement under section 164 Cr.P.C. was recorded voluntarily, then it should also examine the issue of whether the applicant is guilty of any offence in not providing information to the police regarding the plan his wife had made to get Irfan killed.

6. The other piece of evidence against the applicant is the call data record of the applicant and Ghulam Akbar, which was collected during the investigation. While the learned counsel for the complainant has pointed out no specific entries of the record, the fact that Ghulam Akbar and the applicant were in touch over the phone and that they may have both visited the area where the

deceased lived is not difficult to understand in light of the section 164 Cr.P.C. statement made by the applicant.

7. Given the above and the fact that the investigation is complete, it appears to me that the case against the applicant is one of further inquiry. He is admitted to bail subject to the following conditions:

- (i) he will furnish two sureties from different persons, one of whom will be a blood relative of the applicant, for Rs. 1 million each;
- (ii) at the very least, one of the sureties will be a resident of Karachi;
- (iii) if surety is given in the shape of immovable land, the land should be situated in Karachi;
- (iv) a P.R. Bond in the same amount to be executed.

JUDGE