

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 849 of 2024
(*Syed Saqib Ahmed v. The State*)

Date

Order with signature of Judges

For hearing of bail application

31.05.2024

Moulvi Iqbal Haider, advocate for the applicant

Mr. Qaim Ali Memon, advocate for the complainant

Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicant with the rest of the culprits in furtherance of their common intention murdered Sohaib Nisar by causing him fire shot injuries, for which the present case was registered.

The applicant having been refused bail by learned IVth-Additional Sessions Judge, Karachi, Malir, has sought the same from this Court by way of instant bail application u/s 497 Cr.P.C.

It is contended by the learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the police at the instance of the complainant party to satisfy its grudge with him otherwise he has nothing to do with the alleged incident and co-accused Nadia Asim and Faizan have been let off by the police finding them to be innocent by submitting final charge sheet, therefore, the applicant is entitled to be released on bail on the point of further inquiry, which is opposed by the learned Assistant Prosecutor General for the State and learned counsel for the complainant by contending that it was the applicant who conspired the death of the deceased only to usurp his money invested with him.

Heard arguments and perused the record.

The name of the applicant does not appear in FIR. The involvement of the applicant in the commission of the incident is

based on his admission to guilt before the police by stating that he has conspired the death of the deceased only to usurp his money invested with him. If such admission on the part of the applicant is believed to be true, even then it could not be used against him as evidence in terms of Article 39 of Qanun-e-Shahadat Order, 1984. The allegation of conspiracy on the part of the applicant leading to his involvement in the commission of the incident could only be determined at trial. Co-accused Nadia Asim and Faizan have already been admitted to bail by learned trial Court. There is no likelihood of absconsion or tampering with the evidence on the part of the applicant; in these circumstances, a case for his release on bail on the point of further inquiry is made out.

Under the given circumstances, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.200,000/- (Rupees Two Lacs Only) and P.R bond in the like amount to the satisfaction of the trial Court.

Instant bail application is disposed of accordingly.

J U D G E

Nadir*