

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 1287 of 2024
(*Irfan @ Dairh Fitya v. The State*)

Date	Order with signature of Judges
------	--------------------------------

For hearing of bail application

19.08.2024

Mr. Kamran Asghar, advocate for the applicant
Mr. Danish K. Ujjan, advocate for the complainant
Ms. Rubina Qadir, Deputy Prosecutor General for the State

It is alleged that the applicant with the rest of the culprits in furtherance of their common intention murdered Usama by causing him fireshot injuries and then threw his dead body at an abandoned place adjacent to Darul-Uloom Karachi to cause the disappearance of evidence to save themselves from legal consequences, for which the present case was registered.

The applicant having been refused bail by learned 1st Additional Sessions Judge, Karachi, East, has sought the same from this Court by way of instant bail application under Section 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this falsely based on an allegation of abetment/conspiracy, therefore, he is entitled to be released on bail on the point of further inquiry, which is opposed by learned Deputy Prosecutor General of the State and learned counsel for the complainant by contending that he is vicariously liable for the commission of the incident.

Heard arguments and perused the record.

The complainant is not an eyewitness to the actual death of the deceased. The FIR of the incident has been lodged with a delay of more than one day, yet it does not contain the name of the applicant; it was disclosed on the investigation with the allegation of abetment /conspiracy leading to the incident; such allegation could only be determined at trial. Co-accused Raheel with the utmost similar role has already been admitted to bail by this Court. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicant. In these circumstances, a case for the release of the applicant on bail on point of further inquiry is made.

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 learned trial Court.

Instant bail application is disposed of accordingly.

J U D G E

Nadir*