

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 1289 of 2024
(*Mirza Talha Baig v. The State*)

Date

Order with signature of Judges

For hearing of bail application

19.08.2024

Mr. Ahteshamullah Khan, 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 allegation that he took the deceased from his house lastly and then arranged his death, 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 has confessed his guilt before police during the investigation.

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; such delay having not been explained plausibly could not be overlooked; it reflects consultation and deliberation. If it is believed that the deceased before his death was taken away by the applicant from his house through his car, even then such piece of evidence being weak could hardly be relied upon. The statement of the applicant before the police for arranging the death of the deceased through a hired assassin being extrajudicial could not be used against him as evidence in terms of Article 39 of Qanun-e-Shahadat Order, 1984. 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*