

**IN THE HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD.**

Criminal Bail Application No.S-756 of 2024

Applicant: Qamaruddin through Mr. Ghulamullah Chang, advocate.

Complainant: Through Mr. Muhammad Yousif Kalhoro, advocate.

The State: Through Ms. Sana Memon, Assistant Prosecutor General, Sindh.

Date of Order: 05.09.2024.

ORDER

ZULFIQAR ALI SANGI, J – Through the instant bail application, the above-named applicant seeks post-arrest bail in Crime No. 78/2023, under Sections 302, 337-H(ii), 504, 34 PPC, registered at Police Station Saeedabad, District Matiari, following the rejection of his bail plea by the learned Additional Sessions Judge-I, Matiari, vide order dated 17.01.2024.

2. As per the FIR, the allegation against the applicant is that he, along with co-accused Salahuddin Kaka, Nooruddin, and Ali Nawaz Kaka, fired shots from pistols at Shoukat Ali and Mehboob Ali, both of whom succumbed to their injuries.

3. Learned counsel for the applicant submits that there is delay of approximately 30 hours in the registration of the FIR, for which no explanation has been furnished. Furthermore, the complainant is not an eyewitness to the incident, and four family members from the same family have been implicated. Counsel also contends that there are contradictions between the medical and ocular evidence. Lastly, the body

of the deceased, Shoukat Ali, was recovered from a crop field, which contradicts the prosecution's case. General allegations have been made against all the accused regarding firing at the deceased. The counsel relies on the cases reported as 2020 SCMR 956, 2017 SCMR 538, 2022 SCMR 198, and 2021 MLD 292.

4. Learned counsel for the complainant opposes the bail application, arguing that the delay is explained in the FIR, where it is stated that time was consumed in transporting the deceased's body to the hospital and thereafter to the house, thus the delay whatsoever is natural. The applicant is directly nominated in the FIR, with a specific role in firing at the two deceased, who died on the spot. The medical evidence supports the prosecution's case, and the recovery of the pistol, which was positively matched with the empties sent to the Forensic Science Laboratory (FSL), further strengthens the case. Therefore, the applicant is not entitled for grant of bail.

5. Learned Additional Prosecutor General (APG) has adopted the arguments of the complainant's counsel and prays for the dismissal of the present bail application.

6. I have considered the arguments advanced by the learned counsel for the parties and have carefully perused the record.

7. A perusal of the record reveals that the applicant is nominated in the FIR with the allegation that he, along with co-accused Salahuddin, Nooruddin, and Ali Nawaz, fired from pistols. According to the medical evidence, deceased Shoukat Ali sustained six bullet wounds, while deceased Mehboob Ali sustained four firearm injuries, both died at the scene. The recovery of the crime weapon from the applicant, some of the 14 empties recovered from the place of scene match with applicant's pistol, as confirmed by the FSL report, further connects the applicant

with the commission of offence. Eyewitnesses have fully supported the prosecution's case in their statements recorded under Section 161 of the Criminal Procedure Code (CrPC). Moreover, the learned APG has submitted the CRO of the applicant, which reflects that he has been involved in 19 cases in different districts. The details are as follows:-

QAMAQR UD DIN KAKA S/O HUSSAIN BUX KAKA VILLAGE BACHAL KAKA TALUKA SAEEDABAD DISTRICT MATIARI			
PS NEW SAEEDABAD			
Sr.	Crime no.	Police station	Under section
01	66/02	Saeedabad	337 A(i), 337 A(ii), 504 PPC, 337 Fi PPC
02	75/05	-Do-	457, 380, 506/2, 215 PPC 14, H.O
03	84/2006	-Do-	435, 504, 34 PPC, 337 F (1)
04	9/2010	-Do-	324, 337, PQD, 504, 34 PPC
05	24/10	-Do-	324, 337 Fi QD, 504, 34 PPC
06	125/17	-Do-	32 (i) S.A.A 2013
07	17/2021	-Do-	302, 147, 148, 149 PCC
08	19/2021	-Do-	324, 447, 511, 114 147, 148, 149 PPC 337 H(II) 377A-1 377 FI Q
09	78/2023	-Do-	302, 337 H (2), 504, 34 PPC
DISTRICT HYDERABAD			
Sr.	Crime no.	Police Station	Under section
10	51/2010	Bhitai Nagar	401 PPC
11	152/2010	Bhitai Nagar	13 DO
12	70/2012	Markeet	324-34 PPC
13	79/2012	Markeet	13D ARMS ACT
14	189/2017	Latifabad B-Section	452-506/2-34- PPC
DISTRICT TANDO MOHAMMAD KHAN			
Sr.	Crime no.	Police Station	Under section
15	62/2018	Mulaqatiar	324, 353, 402, 35 PPC 6/7 ATA
DISTRICT SHAHEED BANAZIRABAD			
Sr.	Crime no.	Police Station	Under section
16	286/2022	PS Kazi Ahmed	324, 353, 398, 399, 401 PPC
DISTRICT JAMSHORO			
Sr.	Crime no.	Police Station	Under section
17	55/2017	PS bhan Saeedabad	402, 399, 324, 353 PPC
18	63/2017	PS bhan Saeedabad	402, 399 PPC
19	201/2023	PS Jamshoro	324, 353, 402 PPC

8. In view of the above, there appears no case for grant of post-arrest bail. Accordingly, this criminal bail application is dismissed.

J U D G E