ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

CR. BAIL APPLICATION NO.592/2023

Date	Order with signature of Judge

For hearing of bail application.

17.07.2023

Khawaja Saiful Islam advocate for applicants. Mr. Talib Ali Memon, APG alongwith IO SIO Tariq, presently posted at PS PIB. Mr. Muhammad Jibran Nasir advocate for complainant. Applicants present on interim bail.

<u>O R D E R</u>

Heard learned counsel for respective parties at length.

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2. After hearing at length learned counsel for applicants does not press bail application of applicant No.2 Hassaan Bin Ahmed whereas he is seeking bail for applicant No.1 Qari Ahmed Ali Madni. It is alleged that applicant No.2 alongwith his father applicant No.1 committed murder of Hafsa wife of applicant No.2, by strangulation. Medical evidence is reflecting that this is a case of strangulation. Case of the applicants is that this is a case of suicide whereas pictures captured on site and medical opinion including medical board reflect that this is a case of strangulation.

3. Admittedly, a young girl aged about 19 years lost her life within three months after marriage. Husband is claiming that she has committed suicide as she was not happy with that marriage whereas complainant side claims that she was murdered by applicant No.2.

4. Needless to mention that scope of pre-arrest bail is very limited and only malice in fact and law can be considered. Here Mrs.

Hafsa was found dead in the bedroom of applicant No.2 and medical evidence including circumstantial evidence confirms the plea of complainant therefore this is not a case wherein this court can grant extraordinary relief on the plea of malice in fact and malice in law to applicant No.2 to whom counsel for applicants is also not pressing after arguing the case. However, with regard to involvement of father on the plea that he was also involved in the commission of offence to facilitate his son is to be determined by the trial court hence interim pre-arrest bail as already granted to applicant No.1 Qari Ahmed Ali Madni is confirmed on same terms and conditions whereas interim pre-arrest bail granted to applicant No.2 Hassaan Bin Ahmed is hereby recalled. I/O present in court seeks custody of applicant No.2, Accordingly he shall be at liberty to take custody of applicant No.2, and produce him with supplementary challan to concerned jail and court.

Disposed of.

JUDGE

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