

# IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1279 of 2024

Applicant : Naveed  
through Mr. Shiraz Ahmed Bhatti,  
Advocate

Respondent : The State  
through Mr. Saleem Akhtar Buriro,  
Additional Prosecutor General, Sindh  
a/w S.I. Shafqat, I.O.

Date of hearing : 17<sup>th</sup> December, 2024

Date of Order : 24<sup>th</sup> December, 2024

## ORDER

Omar Sial, J: On 15.02.2024, an unidentified dead body of a 65-year-old woman was found. None came forward to claim it, so on 28.02.2024, F.I.R. No. 388 of 2024 was registered under sections 302, 396, 365, and 34 P.P.C. at the Sachal police station on the complaint of A.S.I. Abdul Ghafoor. One day after the registration of the F.I.R., the applicant, Naveed Masih, was arrested while sitting in a vehicle. He immediately confessed to having killed the woman whose body was found.

2. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General, who assisted the complainant in person. My observations are as follows.

3. The investigating officer of the case could give no justification for having arrested the applicant, let alone conducting an iota of investigation to connect the applicant with the crime. His only explanation was that the applicant had confessed before him. The investigating officer should have known that such a confession, which admittedly led to no further discovery would amount to nothing in a court of law.

4. The investigating officer could not explain why thirteen days were taken for the F.I.R. to be registered, nor could he provide a satisfactory explanation of how he had found the applicant just one day after the registration of the F.I.R. In some official documents, he has pinned the find on the mysterious spy informer, who always seems to be extremely efficient in such matters, while in his verbal submissions, he said that he was patrolling when he saw the applicant, who looked suspicious to him. He could not explain what he found suspicious.

5. The son of the dead woman had on 15.02.2024, made a statement to the police that his mother had accompanied Nawab Khatoon and that later Nawab Khatoon had come back and told the family that the mother had gone with some women who had promised her free groceries. The case's investigating officer deemed it appropriate not to have an identification parade conducted after the applicant's arrest. No effort was made to record the description of the gang of women or their accomplices who had taken the deceased away. No recovery has been affected by the applicant. In his bid to justify his arrest, the investigating officer relied on a call data record, which, according to him, shows that the applicant spoke to one of the accused ladies. The investigating officer, however, expressed his inability to show that a person could be arrested on the charge of murder solely because he had allegedly made a few phone calls to a woman, who, though accused, has no evidence against her.

6. There are other aspects of the case related to a weak investigation that I have not highlighted in case they prejudice the State's case. Suffice it to say that the case against the applicant is one of further inquiry.

7. Given the above, the applicant is admitted to post-arrest bail against a surety and P.R. Bond of Rs. 50,000 each to the satisfaction of the learned trial court.

JUDGE

