

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1665 of 2024

Applicant : Muhammad Naqab
through Mr. Muhammad Nasir,
Advocate

Respondent : The State
through Ms. Robina Qadir,
Deputy Prosecutor General Sindh

Complainant : Habib-ur-Rehman
through Mr. Shah Imroze Khan,
Advocate

Date of hearing : 16th December, 2024

Date of Order : 24th December, 2024

ORDER

Omar Sial, J: On 28.04.2024, Habib-ur-Rehman recorded a section 154 Cr.P.C. statement. He stated that one of his daughters, Asma, married Hafeezullah six years ago. The couple, along with their families, lived in a separate home. Earlier that day, Habib got to know that Asma had been murdered and that her dead body was lying at the hospital. A cleaver had hit Asma several times and a hammer and the murder weapons were lying next to the dead body. Habib made his own inquiries and was told that Inayatullah, Nayyar, Hafeezullah, and one other unknown man had killed Asma. F.I.R. No. 266 of 2024 was registered under sections 302, 109 and 34 P.P.C. at the Orangi Town police station.

2. Hafeezullah and Inayat were arrested on 28.04.2024. They confessed to the crime and disclosed that they had merely killed Asma on the instructions of the applicant, Naqab.

3. I have heard the learned counsel for the applicant and the learned Deputy Prosecutor General. My observations and findings are as follows.

4. Admittedly, the evidence against the applicant is confined to the statements made by the co-accused. Whether or not such statements will be admissible in evidence will have to be determined by the learned trial court, but at this preliminary stage, there is a strong argument that they may not. The girl allegedly was killed by her husband, who suspected her of having an extra-matrimonial affair. The investigating officer of the case could, however, not provide an explanation as to who Naqab was in the whole equation and why he would order the remaining accused to kill Asma because she was allegedly not faithful to Hafeezullah. The investigating officer failed to provide any cogent connection between the victim, her husband, and the applicant. At one juncture, he submitted that the cleaver and the hammer had been provided to the accused who killed Asma by the applicant. Going through his investigation, however, he withdrew his submission. Needless to say, the weak investigation puts the learned Deputy Prosecutor General in a very difficult position.

5. Learned counsel for the applicant argued that recovery of the cleaver and the hammer was made the same day that the body was found, i.e., 28.04.2024, and the alleged murder weapons were also seized and sealed the same day; however, the same cleaver and hammer were on display in a crime related television program aired two weeks after the incident. Whether or not the submission is correct will have to be analyzed during the trial. However, the photos annexed with the application, prima facie, reflect that the submission may be correct.

6. Given the above, the case against the applicant is one of further inquiry. He is, therefore, admitted to post-arrest bail on furnishing a solvent surety of Rs. 500,000 and a P.R. Bond for the same amount to the satisfaction of the learned trial court.

JUDGE

