

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**Cr. Bail Appl.No1.2379 of 2024**

**30.10.2024**

Mr. Jehangir Khan holds brief for Mr. Waseem Hussain, Awan, Advocate for applicant.

Ms. Rahat Ahsan, Addl. P.G.

Mr. Zaheer Ahmed Shar, advocate has filed power on behalf of complainant.

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Applicant Humayun Zaid is seeking post arrest bail in Crime No.295/2024 U/s 302, 202,34 PPC of P.S. Nazimabad, Karachi.

2. As per brief facts, complainant has alleged that her husband had three shops in paper market Karachi adjacent to the shop of accused Zahid Iqbal, father of present applicant with whom he had business relations. Accused Zahid Iqbal on account of business transactions owed Rs.55,00,000/- to her husband. On the day of incident viz. 06.06.2024 her husband was called by accused Zahid Iqbal to come to his house for settling the dispute over the money. Her husband left the house at about 1050 hours and thereafter disappeared. She tried to contact her husband but his phone was turned off. She finally lodged missing report of her husband. On the same night, dead body of her husband with torture marks was found in Gujar Nala. Hence this FIR. In the ensuing investigation, accused Zahid Iqbal, father of applicant and applicant were identified to have murdered the deceased.

3. Learned defence counsel in his arguments submits that there is no eyewitness of the incident; that in the CCTV footages although the applicant is visibly present near Gujar Nala where from dead body of deceased was found but he is not seen to be committing any offence; that entire case is based on hypothesis and the applicant is innocent.

4. On the other hand, learned APG, complainant and her counsel have opposed the bail of the applicant. Complainant, who is present in person submits that it was applicant who had come to take her husband from the house/ Then in order to hide his location had left his mobile phone in his house at Mehmoodabad and came to throw dead body of her husband in Gujar Nala; in CCTV footages applicant and his father were seen near Gujar Nala, where dead body was ditched by them.

5. I have considered submission of the parties and perused material available on record. This is a blind murder case and prima facie, there is no eyewitness. However, in the investigation and from forensic scrutiny of the CCTV footages, applicant and his father were found to be present at the spot from where the dead body of the deceased was ultimately found. Their presence at the relevant time and the fact that applicant had come to call the deceased from his house and that deceased had gone to the house of applicant and his father for settling dispute over money from where he disappeared are prima facie sufficient pieces of evidence to connect applicant with the offence. From the investigation prima facie it is apparent that on a petty matter of money, applicant and his father killed an innocent person.

6. No case for extra ordinary concession of pre arrest bail is made out. Relief of pre arrest bail is meant to be extended to innocent persons who are falsely implicated in the case out of malafide and ulterior motives by the complainant or police. No such element is present in the instant case. Applicant has been identified to have played an active role alongwith his father in doing away with the deceased, therefore, this bail application being devoid of merits is dismissed.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The bail application is disposed of.

**J U D G E**