

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 81 of 2025

Date

Order with signature of Judge

For hearing of Bail Application

10.02.2025

Mr. Muhammad Shair Khan, Advocate for the Applicant.
Syed Mumtaz Ali Shah, Assistant Prosecutor General, Sindh along
with SIP Muhammad Javed.
Complainant present in person.

ORDER

ALI HAIDER 'ADA', J:- Through this bail application, applicant Yasin son of Jaffar Alam seeks his release on post arrest bail in Crime No.76 of 2024 of P.S Zaman Town, Karachi, under Section 396, 302 & 34 PPC. The applicant had filed his bail application before the Court of Sessions wherefrom it was assigned to learned 1st Addl. Sessions Judge, Karachi (East), who after hearing the parties, has turned down his request vide order dated 30.12.2024; hence, this application has been maintained.

2. The FIR No.76 of 2024 was registered on 18.01.2024 while the date of incident was mentioned as 17.01.2024 and the incident was reported under Section 396, 302 & 34 PPC, as lodged by complainant Ayaz Uddin.

3. The brief facts of the prosecution case are that on 17.01.2024 the complainant on daily routine purchased some items from the shop situated outside the gate of his house while his son namely Ayyan, aged about 17 years old, was also present outside his house at about 04:30 P.M where two unknown persons came on a motorcycle and on the pointation of weapons robbed a touch mobile phone from his son and fired on him which hit on his abdomen and accused fled away by snatching a mobile phone. Thereafter, the complainant took his son to the Jinnah Hospital for medical treatment but during his operation, he was expired. After completion of

codal formalities, the FIR was registered and the challan was also submitted before the Magistrate having jurisdiction in which present applicant along with others were nominated.

4. Learned counsel for the applicant submits that there is no any specific role is assigned in commission of murder and for commission of the robbery. He further argued that no identification parade was held by the investigation officer while the present applicant was booked in the said case on the extra judicial confessional statement of co-accused Ch. Ghalib Hussain. He further submits that the trial Court dismissed his bail application on 30.12.2024 while the co-accused namely Ch. Ghalib was granted post arrest bail by this Court on 07.10.2024, so the trial Court is totally failed to consider such aspect and only mentioned two lines that role of co-accused is on different footings with the present applicant and turned down his bail, such observation is against the principle of natural justice as well as the trial Court did not go through with the record.

5. On the other hand, learned Assistant P.G, Sindh submits that learned trial Court did not consider such aspect regarding role of the present applicant as well as co-accused Ch. Ghalib. Learned Assistant P.G, Sindh further submits that present applicant's case is on better footings with co-accused, further on merits he submits that the directions be issued to learned trial Court for conclusion of the trial.

6. It is admitted fact that applicant was booked in said crime by the statement of co-accused, as same is inadmissible in evidence without corroborative piece of other evidence, the main accused are Arman and Abdul Qadir who were properly identified by the complainant in identification parade. Co-accused Ch. Ghalib was granted bail by this Court vide order dated 07.10.2024 and even today complainant namely Ayaz Uddin is present and files no objection if the bail is granted to the present applicant. Accordingly, instant bail application is hereby allowed. Applicant **Yasin son of Jaffar Alam** shall be released on bail subject to furnishing his solvent surety in the sum of Rs.100,000/- (Rupees Hundred Thousands Only) and PR Bond in the like amount to the satisfaction of learned trial Court.

8. It may be pertinent to mention here that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, if the applicant is found misusing the concession of bail, learned trial Court may proceed against him.

JUDGE

Zulfiqar/P.A