

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI.

Present:-

Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Shamsuddin Abbasi.

Cr. B.A. No.1648 of 2020

Tariq Mehmood

Versus

The State

For date of hearing s : 02.03.2021, 10.03.2021 & 24.05.2021

For date of order : 24.05.2021

Mr. Muhammad Ashraf Kazi, advocate for applicant

Mr. Saad Fayaz, advocate for complainant

Syed Meer Ali Shah, Addl: PG Sindh

ORDER

Muhammad Iqbal Kalhoro, J:- This application conveys a second attempt by applicant, standing a trial as accused in Crime No.16/2018, u/s 302, 34 PPC r/w section 7 ATC, 1997, Police Station Darakshan, Karachi, at seeking post-arrest bail. His first effort in this regard was frustrated vide an order dated 06.09.2018 passed in Cr. BA No.873/2018 by this court. This time along with merits applicant has impressed grounds of hardship and indisposition.

2. As per record his name does not appear in FIR, which reveals a narrative to the effect that on 13.01.2018 complainant reported to Police an incident of his son Intezar Ahmed aged about 19 years getting injured by a bullet fired by unknown assailants at Lane 5, Near Capital Line Bukhari Commercial Phase VI, DHA, Karachi and his shifting as a result to Jinnah Hospital, Karachi. By the time he along with his relatives reached there, his son had already died. It was during investigation, involvement of applicant posted as SHO Police Station ACLC and others surfaced on basis of, among others, recovery of data from a nearby CCTV camera.

3. His role in the alleged offence has been detailed in the previous order that he along with his staff in civvies waylaid deceased traveling in his car along with a lady in a highly unprofessional manner and without an apparent reason. They continuously kept the deceased stayed put in his car without any further act till arrival of alleged assailants namely PC Bilal and PC Danish, who, neither posted at ACLC nor on duty, fired at him without

any provocation from him and without an apparent cause. Applicant, who was incharge, instead of intervening and attempting to rescue a young boy preferred to flee from the scene. His presence along with his staff in civvies, stopping the deceased's vehicle without any reason and then not conducting any snap checking etc. till arrival of assailants and his escape from the spot *prima facie* betrays a thought-out dispensation to target the deceased with a motive, and not an incident occurring at the spur of moment without any premeditation.

4. Learned defence counsel's contention seeking ours opinion based on examination of evidence regarding alleged inability of the prosecution to have brought incriminating evidence against the applicant in the trial is beside the mark as far as this application for bail is concerned, which entails a tentative analysis of the material without looking at the evidence deeply. The medical record referred to by the defence does not suggest detention of the applicant in jail is detrimental to his life or there is no treatment of his ailment, if any, available inside the jail to catapult him to category of accused entitled to grant of bail on such a ground.

5. No ground of hardship is made out in favour of the applicant either as all the witnesses have been examined and the case is fixed for recording of statement of accused u/s 342 CrPC. The suggestion floated by learned counsel for the complainant and learned Additional Prosecutor General Sindh that trial court may be directed to decide the case within a certain period in such circumstances appears to be relevant and reasonable. Consequently, instead of exercising our discretion at this juncture when the trial is at fag-end and its conclusion is within sight, in favour of applicant, we rather proceed to direct the trial court to decide the case, without fail, within a period of one month and submit such compliance report through MIT-II of this court.

6. The Bail Application is disposed of in the above terms. The observations made hereinabove are tentative in nature, which shall not prejudice case of either side at the trial.

JUDGE
JUDGE

Rafiq/P.A.