

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.**

Cr. Bail Appl. No.2476 of 2024

16.12.2024

Mr. Mushtaq Ahmed, Advocate for the Applicant.
Ms. Seema Zaidi, Addl. P.G. Sindh.

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ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Muhammad Naeem is seeking post arrest bail in Crime No.488/2024 U/s 302, 34, r/w section 109 PPC of P.S. Awami Colony, Karachi.

2. As per brief facts, on 01.07.2024, when complainant and his brother Amir went to Malir Court to appear in some case and on return on motorcycle, when they reached near KIA Singer Chowrangi, two persons riding a motorcycle came to intercept them and one of them fired at his brother, as a result of which, both fell down and his brother Amir died on the spot due to over bleeding. The FIR was registered on the same day against unknown accused. After some time, the applicant and his mother were arrested on suspicion. Applicant was put to identification parade and complainant/victim picked him to be person who had facilitated the main accused in escaping from the incident.

3. Learned defence counsel submits that name of the applicant is not mentioned in the FIR and has falsely been implicated in this case and his mother has already been granted bail; the case of the accused is one of further inquiry. He has relied upon case law reported as PLJ 2009 SC 678.

4. On the other hand, learned Addl. P.G. opposed bail to applicant.

5. I have considered submissions of the parties and perused material available on record including the case law, relied at bar. The applicant has been picked up in identification parade by the complainant to be person who had facilitated the main accused in escaping from the place of incident by obtaining a crime weapon from him to show that this murder was executed with pre-planning and the applicant was also following the victim in Rickshaw after the incident helped the main accused escaping from the incident without incriminating weapon. The applicant is prima facie found involved in the offence which is punishable with death and falls within prohibitory clause of section 497 (1) Cr.P.C, the case of his mother is on total different footings as she was not present on the spot and has been attributed to have brought his son/ applicant for committing the offence.

6. Under the circumstances, I do not see the Applicant is entitled to bail. This application is dismissed, however, trial Court is directed to examine the complainant within a period of two months, as reportedly charge has been framed. After the evidence of the complainant, the applicant would be at liberty to move a fresh bail application before the trial Court, which shall be decided on its own merits.

The Cr. Bail application is disposed of accordingly.

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

J U D G E