

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.2251 of 2023

25.06.2024

Mr. Sardar Khan advocate holds brief for Mr. Khair Muhammad Khattak, Advocate for applicant.
Mr. Zahoor Ahmed, Addl. P.G.
Mr. Ghulam Musatafa advocate a/w Mazhar Hussain, advocate for complainant.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Muhammad Maroof is seeking pre arrest bail in Crime No.428/2023 U/s 302 PPC registered at P.S. Malir Cantt. Karachi. He was admitted to interim pre arrest bail vide order dated 06.10.2023 and today matter is fixed for confirmation of his interim pre arrest bail or otherwise.

2. FIR has been registered by daughter in law of applicant stating that on account of some dispute in the family, applicant on 31.08.2023 at about 9.30 pm. severely injured his son namely Mohsin Ali with a knife. She further states that after her husband sustained fatal injury on his chest, she brought him at Memon Hospital, where doctors pronounced him dead but advised her to take her husband to Jinnah Hospital. She brought him to Jinnah Hospital through Chhipa Ambulance and informed the police meanwhile. The police arrived there and prepared necessary documents. Initially, postmortem was not conducted but subsequently the body was exhumed and postmortem was conducted which confirmed that deceased had died on receiving a knife injury on his chest.

3. Learned counsel for applicant has chosen to remain absent, however, I have heard applicant in person, who submits that he is innocent and has not committed murder of his son. In fact, it was done by his wife, the complainant. I.O. is present and submits that he has conducted a thorough investigation that indicates that deceased was done to death by the applicant. He further submits that he has collected all necessary material showing that applicant after injuring his son critically went to a flat of his daughter where from he collected some money and left for his native town Sahiwal Punjab and switched off his phone. Further, that the applicant had admitted his guilt before two of his sons-in-laws, who have also recorded such statement. They are the ones, who had

received dead body. Injured was taken to hospital by his wife and not by the applicant. In the house there were only four persons, the deceased, his wife and his parents. According to him, entire investigation points out to involvement of the applicant. Learned APG and counsel for complainant in the circumstances have opposed the bail.

4. I have heard the parties and perused material available on record. It appears prima facie that applicant on some dispute had murdered his son by causing him a fatal knife below on his chest cutting his heart. The circumstance, ensuing such incident also points out to prima facie involvement of applicant as he neither approached the police nor took the body of his son to hospital for treatment. Instead he left the scene and went to Sahiwal after collecting money from his daughter, only to elude hand of law. In view of such facts and circumstances, I am of the view that applicant is not entitled to concession of pre arrest bail which can only be granted to a person implicated in the case falsely on account of malafide on the part of complainant. Whereas in this case, daughter in law of applicant has lodged the FIR against him and has assigned specific role to him of causing murder of his son and in the investigation the role of the applicant has further been pronounced. Accordingly, this bail application is dismissed and interim pre arrest bail granted to the applicant is hereby recalled.

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

The Cr. bail application stands disposed of in the above terms.

J U D G E

A.K