

**IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.623 of 2017**

For hearing of Bail Application

02.08.2017

Mr. Kabir A.K. Ghouri, advocate for applicant
Ms. Rahat Ahsan, Addl: P.G.

ORDER

Muhammad Iqbal Kalhoro, J. Applicant is accused in crime No.286 of 2012, registered on **16.05.2012** at Police Station Ferozabad, Karachi U/s 302, 34 PPC.

2. Complainant has alleged in the FIR that he was present on **15.05.2012** at Usmania Play Ground, P.E.C.H.S. Block-2, Karachi, when three unknown accused on motorcycle came over there and by firing committed murder of deceased namely Muhammad Anwar Alam. After registration of this FIR, the investigation was conducted but as accused were unknown, the case was disposed of under 'A' Class. However, subsequently, applicant was arrested in Crime No.367/2015, U/s 4/5 Explosive Act and Crime No.368/2015, U/s 23(i) of Sindh Arms Act, and during his interrogation whereof he admitted his involvement in the present crime and on the basis of which he was implicated in this case and against him the report under Section 173 Cr. P.C. was submitted.

3. Learned Counsel for the applicant has argued that applicant is innocent and has been falsely implicated in this case; that there is no evidence against the applicant except his alleged extra-judicial confession before the police officials, and his case therefore requires further inquiry.

4. On the other hand, learned Addl: P.G. has opposed grant of bail to the applicant but she has not been able to deny the fact. I.O. also confirms that except the extra-judicial confession, no other incriminating evidence could be collected against the accused.

5. I have considered submissions of the parties and perused the material available on record. I am also of the view that the involvement of the applicant in the present crime would require further probe in terms of section 497 (2) Cr. P.C. The importance of extra-judicial confession is yet to be determined by the trial Court. Accordingly, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.2,00,000/- (Rupees two hundred thousand) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.