

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No. **1139** of 2017

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Muhammad Karim Khan Agha

For hearing of Bail Application.

05.04.2018.

Mr. Muhammad Ali Warsi, Advocate for applicant
 Mr. Muhammad Sharif Qureshi, Advocate for complainant
 Mr. Abar Ali Khichi, DPG along with I.O. Hameed, presently posted at
 P.S. Shahr-e-Faisal, Karachi

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, we dispose of above bail application, whereby the applicant is seeking post arrest bail in a case bearing crime No.305/2016, U/s 302, 109, 34 PPC read with Section 7 of Anti-Terrorism Court ('ATA') Act, 1997, registered at Police Station, Sachal, District Malir, Karachi

2. As per brief facts this incident took place on **06.06.2016** at about 1530 hours in a Wine Shop situated near Paradise Arcade, Abu-ul-Asfhani, Main Road, Karachi, when allegedly two unknown accused persons riding on a motorcycle entered the said shop and committed murder of three persons namely Muhammad Zahid, Heera Lal, and Tara Chand. The FIR of the said incident was registered on the same day by the complainant at about 1530 hours. Subsequently, the applicant was arrested on **15.12.2016** in some other case and was interrogated, during which he allegedly made admission of his involvement in the present case. On the basis of this piece of evidence and allegedly on the statement of main accused who was also arrested subsequently and got identified through an identification parade, he was made accused in the present case and a challan against him was submitted.

3. Learned defence counsel has mainly argued that applicant is innocent and has been falsely implicated in this case; that there is no material available against him on record; that only piece of evidence against him is his alleged admission of guilt before the police officials and statement of co-accused, which have no value in the eyes of law; that these both pieces of evidence are weakest type of evidence and cannot be relied upon therefore his case calls for further enquiry.

4. On the other hand, learned counsel for the complainant and Deputy Prosecutor General have opposed grant of bail to the applicant. Learned counsel for the complainant has further argued that the admission of the accused before the police officials is admissible because it was made by him

before the police officials concerned with some different case than the present one..

5. We have considered submissions of the parties and perused the material available on record. Admittedly, the FIR was registered against the unknown accused but later on the applicant was arrested in some other case and he allegedly made a confession of his guilt in the present case before the police officials. Additionally, it is alleged that co-accused who has been assigned the main role of firing has taken his name in his statement as his accomplice in the present offence. Apart from the above, the value of which in law has yet to be determined in the trial, there is no material showing involvement of the applicant in the commission of the present offence. We therefore are of the view that the case of the applicant requires further enquiry. Further Learned DPG has admitted that no criminal record of the accused is available. In such circumstances, we allow this bail application and grant bail to the applicant subject to his furnishing a solvent surety in the sum of Rs.2,00,000/ (Rupees two hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court. However, trial Court is directed to expedite the trial and complete it within a period of six (06) months hereof.

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.

J U D G E

J U D G E

Rafiq/P.A.