

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

Cr. Bail Appl No.743 of 2020

Date	Order with signature of Judge
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Rabika Wahab .....Vs.....The State

For hearing of bail application

**18.08.2020**

M/s. Mehmood Alam Rizvi and Syed Junaid Alam, advocate for applicant

M/s. Noor Muhammad Dayo and Asif Ali, advocate for complainant  
Mr. Ali Haider Salim, DPG a/w PI Ghazalla Parveen and SI Imtiaz Hussain P.S. Darkshan, Karachi

**ORDER**

Complainant Dr. Abdul Aziz in FIR dated 08.09.2016 has reported an incident of firing on him on 07.09.2016 at 2200 hours at the main gate of his house situated in Khayaban-e-Shahbaz, Karachi by 03/04 unknown accused traveling in a Corolla Car killing his guards namely PC Muhammad Ishtiaq and PC Majid. He has further alleged that this incident was committed at the instance of his younger brother namely Abdul Wahab, who is involved in the murder of his elder brother namely Abdul Rehman and has a dispute with him over property.

2. In the investigation, the case was disposed of under 'A' class, but in subsequent investigation applicant, who is wife of Abdul Wahab was arrested on 05.03.2020, and that led to arrest of accused Wasim Ali Jatoti on 02.05.2020 and Gul Hassan Chandio on 05.05.2020 from District Dadu. It was found that from a company namely Logistic Maintenance International (LMI) of which applicant was Managing Director (MD), different amounts were transferred to the bank accounts of said accused, purportedly for carrying out the alleged offence. The evidence that the vehicles used in the commission of offence were of said company was also collected and the fact that the main accused, who executed the offence, were hired and that their lodging and boarding at Karachi to facilitate them was arranged by husband of applicant, the owner of said company.

3. The only piece of evidence alleged against the applicant is that at the relevant time she was working as Managing Director and under her directions amounts of Rs.300,000/- and Rs.100,000/- were transferred

from the company account to the bank accounts of accused Gul Hassan Chandio and Wasim Ali on 30.01.2017 and 15.02.2017 respectively. The bank record of such transfers has been obtained and statement of PW Shahid Mehmood, who worked as CEO in the company from March 2016, to that effect has been recorded. He has further disclosed that in the year 2016 under verbal directions of owner of the company Abdul Wahab, several amounts were credited to the account of accused Faraz Ali having been assigned specific role of firing.

4. Learned defence counsel, while citing above background, have pleaded for bail to the applicant and have further stated that she has been falsely implicated; was not even available in Pakistan at the time of incident; is a household lady and in absence of her husband, who was in Dubai from the year 2016, was looking after affairs of the company by name only and in fact PW Shahid Mehmood was wholly solely in charge.

5. Learned counsel for the complainant and learned DPG, however, have rebutted said contentions and opposed grant of bail to her.

6. Applicant's absence in the country at the time of incident is not disputed, which is otherwise borne out of her travel record. Statement of PW Shahid Mehmood that under verbal directions of owner of the company, Abdul Wahab, several amounts were credited to the account of accused Faraz in July, 2016, before the incident, tends to indicate *prima facie* his role in the case. Regarding applicant's instructions for payments, it is not clear whether she acted on her own or was merely complying with instructions of her husband, the alleged mastermind, who was outside of the country. PW Shahid Mehmood was CEO at the relevant time when the amounts were transferred from the company account allegedly on **applicant's directions**, but strangely he did not maintain such record at any level. The investigation is also silent in regard to any direct contact of applicant with the accused and in absence of such material the allegation that she was part of the conspiracy would need further support. Besides, except 161 Cr. PC statement of PW Shahid Mehmood charging her for instructions, no material is available to suggest that she has played any part in the conspiracy or in execution of alleged crime. Her role for want of such material, and keeping in view the fact that transfer of money to the accused was already being done on the instructions of accused Abdul Wahab and that the subject transactions do not bear her mark/signature anywhere calls for further enquiry into her guilt. Resultantly, the application is allowed and applicant is granted bail subject to her furnishing two solvent sureties in the sum of Rs.10,00,000/ (Rupees one

million) each with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

7. 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

Judge

Rafiq P.A.

