

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.641 of 2020

Date	Order with signature of Judge
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Tajdar .....Applicant

**Versus**

The State.....Respondent

For hearing of bail application

**24.06.2020**

Mr. Abdul Haleem Jamali, advocate for Applicant  
Mr. Nadeem Shahzad Hashmi, advocate for complainant  
Mr. Faheem Hussain Panhwar, DPG

**ORDER**

Applicant is seeking post arrest bail in a case bearing Crime No.132/2020, U/s 302, 34 PPC r/w section 7 ATA, registered at Police Station Gulistan-e-Johar, Karachi.

2. In FIR complainant namely Irshad Ali has reported murder of his brother namely Rehman Ali outside of his house by one Sartaj who when caught hold of called his companions including applicant, who is his brother, for help. During the investigation 161 Cr. P.C. statement of mother of deceased namely Mst. Lal Zeba was recorded in which she has described the incident in detail and has assigned applicant active role of firing at the deceased along with main accused whose firing however killed the deceased. Learned defence counsel has challenged the said statement on the ground that it was recorded after 20 days of the incident and thus is not reliable. And in FIR and statements of other witnesses no active role has been assigned to the applicant, which contentions, however, have been rebutted by learned counsel for complainant and learned DPG.

3. We have considered submission of the parties. FIR bears name of applicant, however, without any specific role attributed to him but mother of deceased namely Ms. Lal Zeba in her 161 Cr. P.C. statement has given details about the role played by the applicant at the time of incident, whereby life of a young person was done away with. Such statement's evidentiary value being delayed is a question to be decided by the trial court. *Prima facie*, it furnishes substance showing nexus of the applicant in the incident. In the circumstances, we are of a view that at least evidence of this lady be recorded in order to appreciate the case of the applicant for bail. Accordingly, we dismiss application, however, direct the trial court to record evidence of

complainant and PW Mst. Lal Zeba within a period of 02 months. In any case, after such period, the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall be decided on its own merits.

4. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

JUDGE

Rafiq/P.A.