

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

Cr. Bail Appl No.676 of 2020

Date	Order with signature of Judge
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Rahat Ali Sachwani .....Vs.....The State

For hearing of bail application

**10.08.2020**

Mr. Aftab Ahmed, Advocate for Applicant  
Mr. Aamir Mansoob Qureshi, Advocate for complainant  
Mr. Ali Haider Salim, DPG

**ORDER**

Applicant is seeking post arrest bail in a case bearing Crime No.77/2018, u/s 302, 34 PPC read with section 7 ATA, 1997, registered at Police Station Soldier Bazar, Karachi.

2. Allegedly one Aneel informed complainant about murder of his brother-in-law Shahzaib at about 0100 hours at Fakhar Khanjee Road, Opposite Pari Pakora Wala Fish Market Garden East Karachi on 04.03.2020, which he has reported in FIR further disclosing that latter on the complainant came to know that certain accused nominated therein along with two unidentified accused had committed murder of his brother-in-law. Applicant is stated to be among those unidentified accused and was recognized through CCTV footage showing his presence along with co-accused named in FIR. Besides, three eye witnesses in their statements u/s 164 Cr. P.C. have named him with co-accused that they all came at the place of incident in a car duly armed and after committing murder of deceased left the spot in the said car.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that CCTV footage only establishes his presence and that the eye witnesses have not assigned him role of causing murder of the deceased. These submissions have been rebutted by the learned counsel for the complainant and learned DPG.

4. On the basis of CCTV footage, presence of the applicant with co-accused at the spot is established. Statements of eye witnesses u/s 164 Cr. P.C. pointing towards his arrival along with co-accused and leaving with them after committing the crime further accentuates the said

fact. CCTV footage further shows applicant partaking in the incident as he is seen beating the deceased. These pieces of evidence *prima facie* establish nexus of the applicant with the alleged offence carrying capital punishment. As this stage when the evidence of eye witness on the said lines is yet to be recorded, we do not find that applicant entitled to the concession of bail. Accordingly, this application is dismissed. The learned trial court, however, is directed to examine the eye witnesses within a period of three (03) months. After which, in any case, the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall however be decided on its own merits.

5. 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.