

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.1352 of 2020

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

**Versus**

The State ..... Respondent

For hearing of bail application

**01.10.2020**

Mr. Abdul Haleem Jamali, advocate for applicant  
Mr. Nadeem Shahzad Hashmi, advocate for complainant  
Mr. Abrar Ali Khichi, Addl: P.G. Sindh

**ORDER**

Earlier bail application of the applicant bearing Cr. B.A. No.641/2020 was dismissed by this court vide order dated 24.06.2020 on merits with directions to the trial court to record evidence of complainant and PW Mst. Lal Zeba, who is mother of deceased and who in her 161 Cr. PC statement has assigned a specific role to the applicant. Otherwise in FIR registered by complainant Irshad Ali against murder of his brother Rehman Ali, no specific role has been assigned to the applicant. In compliance the evidence of complainant and PW Mst. Lal Zeba was recorded, yet the attempt of the applicant to seek bail from the trial court proved unsuccessful.

2. Learned defence counsel has argued that statement of PW Mst. Lal Zeba 161 Cr. PC was recorded after delay of 20 days, therefore, her evidence would be looked at with suspicion. He further submits that the complainant has not assigned any specific role to the applicant in his evidence, which is contrary to the evidence of PW Mst. Lal Zeba and is sufficient to give benefit thereof to the applicant for bail.

3. On the other hand, learned counsel for the complainant and learned Addl: P.G. Sindh have opposed contentions of learned defence counsel. The evidence of PW Mst. Lal Zeba is available at page-39 of file; a perusal thereof would show that she has implicated the applicant with a specific role of firing upon the deceased in the first leg of incident, which however, did not hit the deceased. However, after such fire when the deceased apprehended the applicant, his other companion namely Aamir Ali made a fatal shot to him from his pistol. Presence of the applicant duly armed with weapon and attempting to take life of the deceased is tentatively established from the said

evidence and which *prima facie* connects the applicant with the offence carrying capital punishment. Besides the trial is in full swing and 03 witnesses have already been examined. Accordingly, the application is dismissed. However, we are hopeful that the trial court would take extra efforts to expedite the trial and conclude it sooner rather than later.

4. The bail application is 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.**