

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Bail Application No.18 of 2025

Applicant : Jameel-ul-Allah S/o Naseeb Mohammad  
through Mr. Nusrat Ali Shar, Advocate

Respondent : The State  
through Ms. Rahat Ahsan, Addl.  
Prosecutor General, Sindh

For Complainant: Mr. Habib Ahmed Tajik,  
Advocate

Date of hearing : 18.02.2025

Date of order : 18.02.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.433/2023 registered under Section 302/109/34 PPC at PS Quaidabad, after his bail plea has been declined by the Additional Sessions Judge-I (MCTC), Malir Karachi vide order dated 26.12.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, the applicant is innocent and has falsely been implicated in this case; that in fact this is unseen and unwitness incident and no role has been assigned against the present applicant; that in fact, the complainant in the end of the FIR disclosed that present applicant and two other accused sent two unknown persons, who killed nephew of the complainant; that during course of investigation, police did not collect any evidence to connect the present applicant as to how he was in contact with two unknown persons who killed nephew of the complainant namely Waseem Sajjad; that the applicant is in jail and is no more required for further investigation. He lastly prays for bail.

4. On the other hand, learned Addl. P.G. as well as learned counsel for the complainant opposes for grant of post-arrest bail on the ground that the applicant is very much involved in this case.

5. Heard the learned counsel for the parties and perused the material available on record.

6. From perusal of record, it reflects that the complainant stated in the FIR that as per his information, present applicant alongwith two accused sent two unknown persons for killing of his nephew Waseem Sajjad but no evidence has been brought on record which justifies claim of the complainant that as to how the present applicant was in contact with two unknown persons. When it was confronted from learned Addl. P.G. as to whether any evidence has been brought on record by the prosecution to connect the present applicant in the commission of murder of deceased Waseem Sajjad, she replied in negative. Since the applicant is in jail and is no more required for further investigation and his further detention in the jail will not improve the case of the prosecution. Reliance is place in an unreported case of the Hon'ble Supreme Court of Pakistan in the case of **Jahzeb Khan vs. The State through A.G. KPK and others** in Criminal Petition No.594/2020; wherein the Hon'ble Supreme Court has held that:

**“4..... Petitioner's continuous detention is not likely to improve upon investigative process, already concluded, thus, he cannot be held behind the bars as a strategy for punishment. A case for petitioner's release on bail stands made out.”**

7. In view of the above, learned counsel for the applicant has made out a case for grant of post-arrest bail. Accordingly, the instant bail application is **allowed**. Applicant/accused named above is granted post-arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees one lac only) and PR bond in the like amount to the satisfaction of the learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA