

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.671 of 2025

Applicant : Talha Ahmed son of Iftikhar Ahmed
through Mr. Tariq Hussain, Advocate

Respondent : The State
through Mr. Zahoor Shah Addl. P.G. Sindh.

Date of hearing : 26.03.2025

Date of order : 10.04.2025

ORDER

KHALID HUSSAIN SHAHANI, J. – The applicant seeks post-arrest bail emanating from FIR No. 1012/2024 of Police Station Gulistan-e-Jauhar, Karachi, for offences u/s 302, 324, 201, 202, 203, 114 & 34 PPC. Applicant's bail plea was declined by the learned Additional Sessions Judge-I, Karachi East, vide order dated 12.03.2025.

2. As per the prosecution, on 14.12.2024, the complainant, while at his workplace, received a distress call around 10:30 p.m. from his daughter, reporting that another daughter, Dua, and grand-daughter, Anusha, had been attacked. The complainant rushed to Modern Hospital and later to Jinnah Hospital, where he was informed that Dua had died due to her injuries, and Anusha was critically injured from a gunshot wound. The complainant's wife later narrated that Anusha was in a different room when she heard the gunshots and upon investigation found both Dua and Anusha lying in pool of blood. Following medical confirmation of Dua's death, an FIR was registered against unknown individuals for her murder and the attempted murder of Anusha.

3. The applicant's counsel argued that the applicant was not named in the FIR, and the only offences potentially applicable to him are Sections 201 and 202 PPC, which are bailable. It was pointed out that the applicant's earlier bail application was rejected as premature, and the subsequent one was dismissed on merit. His arrest on 25.12.2024 was

allegedly based solely on a co-accused's statement, which, under Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984, is inadmissible without corroboration. The final challan has already been filed, and no further investigation is pending against the applicant. He urged the court to grant the bail application, referring to precedents reported in 2009 P.Cr.L.J 130, PLD 1995 SC 34, PLD 2017 SC 733, and PLD 1963 SC 478.

4. On the other hand, the learned APG opposed the bail plea, arguing that there was no indication of enmity between the parties that might lead to a false implication. He maintained that the applicant was complicit in the concealment of crucial evidence, including the murder weapon, and therefore played a role in protecting the primary offender. However, the APG did acknowledge that the allegations fall within Sections 201 and 202 PPC.

5. The primary accusation against the applicant, Talha Ahmed, is that he deliberately helped conceal evidence to shield the main suspect from legal action and failed to inform the authorities about a cognizable offence, acts that are punishable under Sections 201 and 202 PPC. It is alleged that he received the weapon from co-accused Sunny after the incident. A review of the record shows that the only connection between the applicant and the offence arises from the co-accused's statement, which, without independent corroboration, holds no legal weight at this stage. There is no evidence of the applicant's prior knowledge or involvement in the actual crime under Sections 302 or 324 PPC. The prosecution has neither alleged any malicious motive for falsely implicating the applicant nor produced proof of his active role in the offence. His alleged conduct pertains solely to events that occurred after the commission of the crime.

6. The offences under Sections 201 and 202 PPC are categorically bail-able and do not attract the prohibitory clause of Section 497(1) Cr.P.C. Established jurisprudence dictates that bail in such cases is the rule, while refusal must be based on exceptional circumstances, which are not present here. The case law cited by the applicant's counsel supports this position.

7. Therefore, based on the discussion above, this Court is of the opinion that the applicant merits post-arrest bail. The application is accordingly allowed. The applicant shall be released on bail upon furnishing a solvent surety in the sum of Rs. 200,000/- (Rupees Two Hundred Thousand only) and a P.R. bond in the same amount to the satisfaction of the learned trial Court. It is clarified that the observations herein are tentative and shall not influence the trial proceedings.

J U D G E

Shahbaz