

# IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail. Application No. 1632 of 2024

Applicant : Javed son of Hub Ali  
through M/s. Sultan Ahmed & Ms. Zahida  
Abdul Sattar, advocates

Respondent : The State  
Ms. Seema Zaidi, Addl. P. G. Sindh.

Date of hearing : 14.04.2025

Date of order : 14.04.2025

## ORDER

**KHALID HUSSAIN SHAHANI, J.** – The applicant Javed son of Hub Ali seeks post arrest bail in Case bearing crime No. 594 of 2023, offence under section 302/34 PPC of PS Orangi Town. Bail of applicant was declined by learned Additional District Judge-X Karachi West vide order dated 12.06.2024.

2. As per the prosecution's version, on 24.11.2023, complainant Mst. Badshah Zadi was present at her residence when someone knocked at the door. Her daughter Saima went to attend to it, and shortly thereafter, the complainant heard gunshots. Upon rushing downstairs, she found her daughter injured. The injured Saima was immediately shifted to the hospital where she succumbed to the injuries. The complainant subsequently learned that Deedar and his wife Zaibi were allegedly involved in the murder of her daughter. Consequent upon; case was registered inter-alia on above facts.

3. After completion of usual investigation, the case was disposed of under 'A' Class. However, on 19.04.2024, the Investigating Officer received information from PS Pak Colony that an accused Javed had been arrested in Crime No. 161/2024, registered under Section 23(1)(a) of the Sindh Arms Act, 2013. During interrogation, the said accused allegedly confessed that he, along with co-accused Saddam, Ikhtiar, and Imran, had committed the murder of Saima (deceased).

4. Learned counsel contends, the applicant is innocent and has been falsely implicated in the instant case. He argued that there is an unexplained delay of one day in the lodging of the FIR. The name of the applicant does not find mention in the FIR. The alleged confession, being

made before the police, lacks evidentiary value under the law. On these grounds, he prayed for the grant of bail.

5. Conversely, the learned APG opposed the bail plea on the ground that sufficient material connects the applicant with the commission of the alleged offence. However, she concedes, albeit reluctantly, that apart from the confession allegedly made before the police, there is no other incriminating material available on record against the present applicant.

6. A plain reading of the FIR suggests that the incident is an unwitnessed one. The applicant was arrested on 19.04.2024 and recovery was effected from him and a separate FIR bearing Crime No. 161/2024 offence under Section 23-1(a) of Sindh Arms Act, 2013 was registered. Learned counsel for the applicant has placed on record a certified copy of the judgment dated 04.02.2025, passed by the learned Assistant Sessions Judge-XIII, Karachi West, whereby the applicant has been acquitted in such case.

7. The only piece of material against the applicant in the present case is the alleged extra-judicial confession made before the police, wherein he purportedly admitted committing the offence along with Ikhtiar Ali (the father of the deceased) on the basis of alleged '*Siyakari*'. Apart from this, the Investigating Officer present in Court, confirms that no further incriminating evidence has been collected during course of investigation.

8. I am persuaded by the submissions of learned defense counsel that evidentiary value of such an alleged police confession, in light of Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984, is a matter that can only be properly assessed at the stage of trial. The case has already been challaned, and the applicant is no longer required for investigation.

9. In view of the foregoing circumstances, the applicant has succeeded in making out a case of further inquiry within the meaning of Section 497(ii) Cr.P.C. He is, therefore, admitted to bail, subject to furnishing a solvent surety in the sum of Rs. 300,000/- (Rupees Three Hundred Thousand only) and a personal bond in the like amount, to the satisfaction of the learned trial Court.

10. Needless to mention, the above observations are tentative in nature and shall have no bearing on the merits of the case, which shall be determined after a full-fledged trial in accordance with law.

**J U D G E**