

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl. No.854 of 2024
(Nabeel Yousuf & another vs. The State)

Cr. Bail Appl. No.1668 of 2024
(Salman Zaidi vs. The State)

Date	Order with signature of Judge
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For hearing of Bail Application.

17.10.2024.

Mr. Waqar Alam, advocate for applicant in Cr. B.A. No.854/2024
M/s. Irshad Ahmed Jatoi and Nisar Ahmed Metlo, advocate for applicant in Cr. B.A. No.1668/2024
Barrister Shar Ali, advocate holding brief for Mr. Barrister Uzair Ali Khan, advocate for complainant
Ms. Rubina Qadir, Deputy Prosecutor General Sindh

ORDER

MUHAMMAD IQBAL KALHORO J: Complainant is father of deceased, Ashhad, who was murdered by unknown persons on 27.09.2023. Complainant in FIR has suspected applicant Nabeel, Muhammad Mairaj and Ahmed Raza behind the murder of his son, as according to him, they used to issue him threats for getting them arrested in some crime. However, in first investigation, the case was disposed of in 'A' Class as no evidence was found against the applicants. Applicant Salman was cited as a witness on the contrary and his 161 Cr.PC statement was also recorded. But when the investigation report was submitted before the Magistrate, he did not accept the same and ordered for reinvestigation. In the re-investigation also applicant Nabeel Yousuf Zai and applicant Muhammad Mairaj Alam Khan have been let off by the police and their names have been placed in column No.2. Against applicant Salman Zaidi *prima facie* there is no direct evidence except that he was present at the spot when murder took place.

2. Learned counsel for the applicants have reiterated the above facts and circumstances. Their arguments have been opposed by the learned DPG. Whereas, counsel for the complainant has chosen to remain absent in line with his tradition, as the previous two diaries show that he was not present either.

3. I have considered submissions of the parties and perused material available on record. In view of facts and circumstances highlighted above, the case against the applicants is one of further inquiry. *Prima facie* there is no direct evidence connecting them with the alleged murder of the deceased. In the investigation, they have been declared innocent but the Magistrate has not agreed with the report and taken cognizance of offence against them. This is an extra circumstance making the case as one of further enquiry, which cannot be ignored, insofar as, their entitlement to bail is concerned. Accordingly, these

bail applications are allowed and applicants are granted bail subject to their furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one lac) each with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

4. Bail application are disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

Rafiq/P.A