

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail. Appl. No.1930 of 2024

Date	Order with signature of the Judge
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04.12.2024

Mr. Shoukat Khan, Advocate for applicant.
Ms. Rubina Qadir, DPG
Mr. Muhammad Anas Siddiqui, advocate for complainant.

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ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Samiullah is seeking post arrest bail in Crime No.157/2024 U/s 302, 324, 109 PPC of P.S. Mominabad, Karachi.

2. As per brief facts, applicant is alleged to have fired at brother of complainant namely Gul Badeen on 25.03.2024 on main road Malik Chowk Orangi Town Sector 10, Karachi. Complainant is not the eyewitness but was informed on phone about the incident, hence he reached at Abbasi Shaheed Hospital, where his brother was admitted and from where he was referred to Jinnah Hospital but he died there due to a head injury by firearm.
3. Learned defence counsel has submitted that there is no eyewitness of the incident; no motive has been alleged; the names of eyewitnesses are not mentioned in the FIR and Challan and this is a case of further inquiry because no recovery has been effected from the applicant. He has relied upon 1999 P Cr. L J 1044, 2008 P Cr. LO J 564, 2018 P Cr. L J 153 and 2014 Cr. C. (Lahore) 444 to support his arguments.
4. On the other hand counsel for complainant and learned DPG have opposed the bail and submitted that applicant is nominated in the FIR with specific role of firing at deceased; subsequently 161 Cr.P.C statements of witnesses present at the spot were recorded, who have also assigned main role of firing to the applicant hence he is not entitled to concession of bail.
5. I have heard the parties and perused material available on record. It is informed that charge has been framed and the case is about to commence. In the circumstances, when applicant is named in the FIR with specific role of causing murder of deceased, which is supported by independent witnesses in their 161 Cr.P.C statements, no case for bail is made out. The points raised by learned defence counsel require deeper appreciation which is not permitted at bail stage, hence bail application in hand is dismissed. The trial court is however, directed to expedite trial and examine eyewitnesses within a period of four months, after

which the applicant will be at liberty to repeat his application for bail which, will be decided on its own merits.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The bail application is disposed of.

J U D G E

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