

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Bail Application No.601 of 2025

Applicant : Muhammad Zeeshan Khan son of Aslam Parvaiz,  
through Mr. Muhammad Imran Meo, Advocate

Respondent : The State  
through Mr. Qamaruddin Nohri, D.P.G. Sindh.  
Duly assisted by complainant present in person.

Date of Order : 16.04.2025

Date of Reasons : 30.04.2025

### REASONS

KHALID HUSSAIN SHAHANI, J. - Applicant, Muhammad Zeeshan Khan, seeks pre-arrest bail in a case bearing Crime No. 697/2024 registered at P.S. Landhi, Karachi, for offence under section 302, 34 PPC. His bail pleas was earlier declined by the Court of learned Additional Sessions Judge-XIV Karachi East vide order dated 01.03.2025.

2. The facts of the case, in essence, are that the complainant Muhammad Ibrahim lodged instant FIR at P.S. Landhi, Karachi, alleging therein that his sister Sahiba wife of Fayyaz Ali, aged 23 years, was residing at House No. 15, Street No. 14, Area 36/G, Shareef Colony, Landhi No. 6, Karachi, and was married since 2014. On 24.11.2024 at about 1400 hours, the complainant received a call from one Mst. Amber, asking him to return home urgently. Upon arrival, he found the dead body of his sister. He was informed by his brother-in-law Huzaifa that the deceased was initially seen hanging from the guard of the kitchen and was subsequently laid down and shifted to Jinnah Hospital, where she was pronounced dead. Upon inquiry, it came to light that in the absence of her husband, one Zeeshan son of Parvez used to visit the deceased, and on the date and time of the occurrence, he was seen along with two unidentified individuals leaving the house. Consequent upon; case was registered inter-alia on above facts.

3. During the course of investigation, the present accused, after obtaining interim pre-arrest bail, joined the investigation. His MLC was

conducted and CDR data was obtained. Subsequently, the two unknown accused were arrested and allegedly identified by the eye-witness in police custody. Interim challan has been submitted.

4. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated due to mala fide intentions and in connivance with the complainant. It is contended that there is an unexplained delay of about 30 hours in lodging the FIR, which casts doubt on the authenticity of the prosecution's version. It is further argued that the applicant, being a friend of the victim's brother, Huzaifa, has no direct connection with the commission of the alleged offence and there is no ocular account or direct evidence against him. Learned counsel submitted that the case appears to be one of suicide and not homicide, and the post-mortem report was delayed by nearly 20 hours, which also raises suspicion. Moreover, the statement of the purported eye-witness was recorded with a delay of 13 days, which is claimed to be an afterthought. It is also argued that no incriminating material has surfaced so far connecting the applicant with the alleged offence. Learned counsel prayed for confirmation of interim bail, arguing that the matter falls within the ambit of "further inquiry" as envisaged under Section 497(2) Cr.P.C.

5. Conversely, the learned APG appearing for the State opposed the confirmation of bail. He submitted that the investigation is still at a preliminary stage, as the final challan under Section 173 Cr.P.C. has not been submitted. He further contended that as per CDR, the applicant was in contact with the deceased shortly before her death, which is a relevant circumstance warranting further investigation. The learned Law Officer submitted that private witnesses, who have been associated with the case, have implicated the applicant and co-accused by stating that they were seen leaving the house around the time of the incident. He emphasized that the FIR was lodged without mala fide or ulterior motive and that the applicant's implication is based on credible information. It was also pointed out that the bail applications of co-accused have already been dismissed by the competent court.

6. The record reflects that the FIR was lodged with a delay of about 30 hours, yet no plausible explanation or cogent justification for such

delay has been provided by the complainant. Furthermore, the accused has been named in the FIR without disclosing the source of such information. There is no mention of who identified the applicant as having any alleged visiting terms with the deceased or how the complainant came to know of the applicant's purported involvement. It is also pertinent to observe that the name of the alleged eyewitness has not been disclosed in the body of the FIR, and the statement of the only eyewitness was recorded with an unexplained delay of 13 days under Section 161 Cr.P.C, which casts doubt on the spontaneity and reliability of the said account. No member of the neighborhood (Mohalla) has been cited as a witness, which further weakens the prosecution's case at this stage.

7. Moreover, the CDR, which is being relied upon by the prosecution, merely indicates that the accused's phone was within the same Base Transceiver Station (BTS) area. Mere presence within the coverage of the same tower is not conclusive evidence of presence at the specific crime scene, especially when the accused claims to be a resident of the same locality. Thus, the CDR does not, on its own, establish any incriminating link sufficient to deny the benefit of bail.

8. Significantly, the DNA analysis report has also been received, which is negative in respect of the applicant. No adverse inference, therefore, can be drawn against the applicant on this account. These facts, when viewed collectively, clearly bring the case of the applicant within the ambit of *further inquiry* as contemplated under Section 497(2), Cr.P.C.

9. In view of the above, the instant bail application is allowed. Consequently, the ad-interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions as set forth in the short order dated 16.04.2025. This order shall constitute the reasons for the said short order.

**J U D G E**