

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.828/2025

Applicant : Kalim Ahmed son of Naeem Iqbal,
through Mr. Nadeem Ahmed Azar, Advocate

Respondent : The State
through Mr. Rahat Ahsan, PG Sindh.

Complainant : Through Ms. Hina Farooqi, advocate

Date of hearing : 28.04.2025

Date of order : 05.05.2025

ORDER

KHALID HUSSAIN SHAHANI, J. Applicant Kalim Ahmed seeks post-arrest bail in a case bearing crime No. 101/2024 of P.S. PIB Colony, Karachi, offence under Sections 302, 34 read with Section 201 PPC. Bail plea of applicant was declined by the Learned Additional Sessions Judge-X Karachi East vide order dated 08.03.2025.

2. The facts, as emerging from the FIR lodged by Ishtiaq Ahmed on 27.02.2024, disclose that his son Faizan Ahmed, aged about 35 years, was found dead with multiple stab wounds on his body, including both front and back. The complainant identified the dead body at Civil Hospital, Karachi. The post-mortem examination confirmed that the death was homicidal, caused by sharp-edged weapon injuries. Consequent upon case was registered inter alia on above facts.

3. The investigation led to the arrest of the applicant and others, allegedly involved in the brutal murder. The charge against the applicant, as per the prosecution case, includes the act of intentional murder in concert with others and subsequent concealment of evidence. The investigation suggests the deceased was murdered in a targeted and deliberate manner, and the applicant is implicated with specific attribution based on material collected by the Investigating Officer.

4. At the very outset, learned counsel for the applicant contended that the applicant has been falsely implicated due to family enmity and that the complainant had no direct knowledge or evidence implicating the applicant

at the time of registration of the case. He submitted that the FIR was lodged against unknown persons, and the name of the applicant surfaced at a later stage without direct eyewitness account or CCTV footage to support the allegation. He further contended that there is no recovery of weapon from the applicant and that no independent witness from the vicinity has been associated in the investigation. It was argued that the statements of prosecution witnesses under Section 161 Cr.P.C suffer from material contradictions, and no motive has been established by the prosecution. He emphasized that the prosecution failed to record any judicial confession, nor any cogent evidence was collected linking the applicant conclusively to the commission of offence. Learned counsel sought bail on the ground of further inquiry, relying on precedents such as 2010 SCMR 846, 2011 SCMR 474, and 2017 SCMR 1601.

5. Conversely, the learned Deputy Prosecutor General vehemently opposed the grant of bail. He submitted that the applicant is nominated during investigation on the basis of tangible evidence, and the role assigned to him is not vague or general, but specific in nature, in relation to a cold-blooded, targeted homicide. The post-mortem report confirms that the deceased was subjected to multiple stab wounds indicating brutality and a clear intent to kill. It was further argued that although the FIR was initially lodged against unknown persons, the subsequent investigation, witness accounts, and circumstantial evidence led to the applicant's arrest, and sufficient incriminating material has been collected, including CDR data and circumstantial linkage, which connects the applicant with the offence. The learned DPG emphasized that the offence falls within the prohibitory clause of Section 497 Cr.P.C and is punishable with death or life imprisonment.

6. From the material on record and arguments advanced, it appears that the prosecution case revolves around a brutal murder of a young man in the prime of his life. The motive behind the murder is beating to Mst.Arzo by her husband (victim) on the issue of staying at the house of her parents. The murder had been taken place inside the house of applicant. The applicant played an active role in disposing of the dead body along with father, the principal accused and he also pointed out such place of throwing the dead body. The medical evidence confirms about multiple fatal injuries inflicted through a sharp weapon. The nature and number of injuries, coupled with

their locations, suggest a deliberate and calculated act of murder with support of their confession, though it was confessed before police but such confessing corroborates with the medical version. It is settled law that bail in a case of capital punishment is not to be granted as a matter of course unless the case falls within the domain of further inquiry or mala fide. In the present case, the available material prima facie connects the applicant with the commission of offence. The recovery may not be dispositive, but the cumulative material collected during investigation, including statements under Section 161 Cr.P.C, the nature of injuries, and circumstantial chain, is sufficient at this stage to deny bail.

7. The argument regarding lack of direct evidence and CCTV footage is misplaced, as circumstantial evidence, if forming a coherent chain, is equally admissible and sufficient for conviction under the law. Additionally, the brutality and savagery of the offence, where a man was stabbed multiple times and left to die, dissuades this Court from exercising discretion in favour of the accused at the bail stage. It is also noteworthy that no material has been brought on record to show any mala fide or ulterior motive on part of the complainant or investigating agency. The trial is at a preliminary stage and this Court is not inclined to delve into deeper appreciation of evidence at this juncture.

8. Given the heinousness of the offence, the gravity of allegations, the brutality involved in the commission of murder, and the punishments prescribed under Section 302 R/w 201 PPC, which carry death or life imprisonment, I am of the considered view that the case does not fall within the purview of further inquiry. Consequently, no ground exists for granting bail at this stage. Accordingly, the bail application stands dismissed. Needless to mention, the observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

J U D G E