

**IN THE HIGH COURT OF SINDH AT KARACHI**

Crl. Bail Application No. 1365 of 2025

Applicant : Muhammad Saleem  
through Mr. Zahid Hussain Baladi,  
Advocate

Respondent : The State  
through Ms. Robina Qadir,  
Deputy Prosecutor General a/w  
S.I. Muhammad Nawaz Rind, I.O.

Date of hearing : 03.06.2025

Date of Order : 03.06.2025

**ORDER**

Omar Sial, J: A team of the Pakistan Coast Guard, acting on spy information that a smuggling attempt would be made, signaled a car to stop. The driver, instead of stopping, attempted to escape and in that bid hit a Pakistan Coast Guard sepoy, who unfortunately died. The driver of the vehicle abandoned the vehicle and ran away. F.I.R. No. 31 of 2025 was registered under sections 302 and 353 at the Gadap police station against the unknown driver of the car.

2. I have heard the learned counsel for the applicant and the learned Deputy Prosecutor General. My observations and findings are as follows.

3. There were no identifying features of the driver who ran away. No identification Parade was held after the arrest of the accused. The circumstances in which the applicant was arrested are also shrouded in mystery, as the investigating officer failed to produce a memo of arrest. When asked how the applicant was identified and arrested, the investigating officer narrated that the registered owner of the abandoned car on the

scene was a man named Aziz Khan, who claimed that he had sold the vehicle to one Arsalan Mughal. Arsalan told the investigating officer that he sold the car to Waqas Mughal. Waqas Mughal told the investigating officer that Nasrullah had taken the car from him. None of the persons mentioned is the applicant. As mentioned above, after the applicant's arrest, for which no documentation exists, he confessed to the police that he was sitting in the car's rear seat. This story does not gel with the story narrated in the F.I.R., where the presence of only one man, the driver, was reflected. The investigating officer, however, admitted that the applicant was not the vehicle's driver. No satisfactory reply was given by the Deputy Prosecutor General when asked how it was determined that the three persons who claimed to be the owners of the car were thought to be innocent. The State failed to produce the record of the car from the Motor Vehicle Excise Department. However, it was admitted that the registered owner is still Aziz Khan.

4. The facts of the case also do not prima facie reveal an offence under section 302 P.P.C. At best, it seems that to run away with betel nut in the car, the sepoy was hit. However, whether it was a premeditated murder or not will be determined by the learned trial court after it has had an opportunity to review the evidence produced. Currently, the case against the accused is one of further inquiry.

5. Given the above, the case against the applicant requires further inquiry. He is admitted to post-arrest bail subject to providing a surety of Rs. 100,000 and a P.R. Bond for the same amount to the satisfaction of the trial court.

JUDGE