

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.2363 of 2025**

Applicant : Minhaj-ur-Rehman, Through:  
Mr. Khuwaja Muhammad Azeem,  
advocate

The State : The State: Through Ms. Rubina  
Qadir, Additional Prosecutor  
General, Sindh

Date of hearing : 06.03.2026

Date of Order : 18.03.2026

### **ORDER**

**Jan Ali Junejo, J:**-- Through this order I intend to decide the instant bail application filed by the applicant under Section 497 Cr.P.C., whereby the applicant seeks his release on bail in case FIR No.321/2022 registered under Sections 302/34 PPC at Police Station Haidri Market, Karachi. The applicant has approached this Court after dismissal of his second post-arrest bail application by the learned Additional Sessions Judge-VII, Karachi Central vide order dated 06.05.2025.

2. Briefly, as per prosecution case reflected from the FIR, on 19.05.2022 information was received at Police Station Haidri Market that one person had sustained firearm injuries and had been shifted to Abbasi Shaheed Hospital. The complainant ASI Nadeem Khan reached the hospital where the injured, namely Burhanuddin son of Hakeemuddin, was found dead. Postmortem examination revealed that the deceased died due to firearm injuries on his head. The police thereafter visited the place of incident situated at Modern Cuts

Shop, Block-G, North Nazimabad, where five empty shells of 9mm pistol and blood-stained earth were secured. As the legal heirs of the deceased initially refused to lodge the report, the FIR was lodged by the police. During investigation the present applicant was arrested on 23.05.2022 and allegedly made disclosure regarding his involvement in the murder along with co-accused Asim. The applicant also allegedly led to recovery of a 9mm pistol, and after completion of investigation challan was submitted before the trial Court.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. It was argued that the FIR was lodged by the police as the legal heirs of the deceased refused to register the case; that there is no eye-witness of the occurrence and the entire case rests upon circumstantial evidence. It was further argued that nothing was recovered from the possession of the applicant and the alleged recovery has been foisted upon him by the police. Learned counsel also submitted that the applicant has been in custody since 23.05.2022 for about three years and the trial has not yet concluded, therefore the applicant is entitled to the concession of bail on statutory ground under Section 497 Cr.P.C. It was further contended that the delay in conclusion of trial is not attributable to the applicant and that the prosecution witnesses are police officials, therefore there is no likelihood of tampering with evidence. Learned counsel finally prayed that the applicant may be admitted to bail.

4. Conversely, learned Additional Prosecutor General for the State vehemently opposed the grant of bail and submitted that the applicant is nominated during investigation and there are sufficient incriminating pieces of evidence connecting him with the commission of the offence. She argued that the applicant made disclosure of his involvement and led to recovery of the weapon of offence as well as the motorcycle used in the incident. It was further argued that the offence involved is one of murder punishable with death or imprisonment for life. She further contended that the delay in trial is not solely attributable to the prosecution and on several occasions the defence side sought adjournments. Learned prosecutor therefore prayed for dismissal of the instant bail application.

5. I have heard the learned counsel for the parties at considerable length and have carefully perused the material available on record. At the very outset, it may be noted that the first bail application of the applicant was dismissed on merits by the learned trial Court vide order dated 09.06.2023 and thereafter the second bail application was also dismissed vide order dated 06.05.2025. From a perusal of the record, it appears that during the course of investigation the Applicant was arrested and allegedly made a disclosure regarding his involvement in the occurrence, which further led to the recovery of the weapon of offence, i.e., a 9-mm pistol along with live rounds. Such recovery, having been effected in consequence of the information furnished by the

Applicant while in custody, is prima facie admissible under Article 40 of the Qanun-e-Shahadat Order, 1984. In this regard, reliance may be placed on the case of *Syed Muhammad Iqbal Shah v. The State, (2024 P Cr.L.J. 444)*. The prosecution has also alleged recovery of the motorcycle used in the commission of offence at the instance of the applicant. Such recoveries prima facie connect the applicant with the commission of the offence. At the bail stage the Court is only required to make a tentative assessment of the material available on record without entering into deeper appreciation of evidence which is the domain of the trial Court.

6. It is also pertinent to observe that the offence alleged against the applicant falls within the prohibitory clause of Section 497 Cr.P.C., being an offence punishable with death or imprisonment for life. The material available on record at this stage provides reasonable grounds to believe that the applicant is connected with the commission of the offence, therefore the case does not fall within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C.

7. So far as the plea of statutory delay is concerned, although the applicant is in custody since May 2022, however the record of proceedings indicates that the delay in conclusion of trial cannot be attributed solely to the prosecution as on several occasions the matter was adjourned due to non-availability of defence counsel and other reasons including strikes of the bar. Therefore, the applicant cannot derive benefit of statutory ground at this stage.

8. In view of the above circumstances and after tentative assessment of the material available on record, I am of the considered view that the applicant has failed to make out a case for grant of bail. Consequently, the instant bail application is dismissed. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail application, and shall not prejudice the case of either party during the course of trial.

**JUDGE**