

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Bail Appl.No.599 of 2026

Date	Order with signature of the Judge
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Present:

Mr. Justice Muhammad Iqbal Kalhoro.

Mr. Justice Khalid Hussain Shahani.

Atta Hussain @ Atoo

.....Vs.

The State

01.04.2026.

Mr. Javed Iqbal, Advocate for applicant

Ms. Rubina Qadir, DPG. a/w I.O.

ORDER

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MUHAMMAD IQBAL KALHORO J: An FIR was registered on 12.05.2006 by complainant stating that his brother Muhammad Suleman was ASI in police department and was performing duty at Karachi. Accused Khadim Mari had approached his brother and urged him to provide facility to his friends confined in Khairpur Jail. On his refusal, he issued threats to him. Ultimately on the day of incident viz. 12.05.2006 his brother was sitting with his relatives/PWs in his Otaq, when accused Khadim Mari and others armed with deadly weapons came there, abused his brother and started firing upon him, hence he died. Resultantly FIR No.46/2006 U/s 30, 502, 337 H(2) PPC r/w section 7 ATA was registered at P.S. Mehrabpur against such accused and others unknown. Subsequently in investigation applicant was arrested and challaned in this case.

2. Learned defence counsel has pleaded for bail on the ground that name of applicant is not mentioned in the FIR and after his arrest, no identification parade was conducted to show that he is the same accused referred to in the FIR as unknown. He has relied upon 1997 SCMR 971 and 2009 SCMR 299 to support his arguments.

3. On the other hand, learned D.P.G. has opposed the bail.

4. We have considered arguments and perused material available on record. Impugned order shows that atleast 09 witnesses have been examined and the case has reached advanced stage. *Prima facie* eyewitnesses who were present at the spot have implicated the applicant to be the culprit in this case. After their evidence and *prima facie* implication of the applicant in the case, the argument of requirement of identification parade is irrelevant as after the evidence, it is settled, that the

cases are to be decided on the basis of their merits. *Prima facie* since the applicant has been implicated by the witnesses, no case for bail is made out. However, it is stated that applicant is in jail for 2 ½ years, therefore, we direct the trial court to examine remaining witnesses and decide the case within six months without fail and submit compliance report.

The Cr. Bail Application is disposed of.

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

JUDGE

JUDGE

A.K