

## THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

**Present:**

**Mr. Justice Abdul Mobeen Lakho**

**Mr. Justice Zulfiqar Ali Sangi**

Criminal Bail Application No.D-202 of 2026

Applicant: Shah Rukh Khan through Mr. Nabi Bux Sand, Advocate.

Respondent: The State through Ms. Rameshan Oad, D.P.G. Sindh along with I.O./Inspector Asif Hayat CTD Hyderabad.

Date of hearing: 01.09.2026.

Date of order: 01.09.2026.

### **ORDER**

**ZULFIQAR ALI SANGI, J:** - By this order, we propose to dispose of the instant post-arrest bail application filed by the applicant/accused Shah Rukh Khan son of Saleem Solangi, who seeks his release on bail in Crime No.04 of 2026, registered at Police Station CTD, Hyderabad, for offences punishable under Sections 4/5 of the Explosive Substances Act, 1908, and Sections 6/7 of the Anti-Terrorism Act, 1997. The applicant is presently confined at Central Prison, Hyderabad. His earlier post-arrest bail application was dismissed by the learned Anti-Terrorism Court, Hyderabad, vide order dated 20.05.2026. He has, therefore, approached this Court for the concession of post-arrest bail.

**2.** Briefly stated, the prosecution case is that on 15.03.2026, a police party headed by an SIP Liaquat Ali Shah posted at CTD Hyderabad proceeded from the police station at about 2100 hours in a government vehicle in search of anti-state elements. At about 2230 hours, near Gulshan-e-Zail Pak Colony Chowk, Hyderabad, the police party allegedly received secret information that a terrorist belonging to the banned organization SPA (Sindhudesh Peoples Army) was present near the crush plant at Gulistan-e-Sarmast Housing Society and was waiting to target law-enforcement vehicles through a bomb attack. Acting upon the information, the police party proceeded to the indicated place and allegedly saw a person standing by the roadside with a cloth bag. According to the FIR, upon seeing the police, the said person (applicant) attempted to flee but was apprehended at about 2240 hours. On search, a 30-bore pistol loaded with five live rounds, another magazine containing five live rounds, cash, and a mobile phone were allegedly

recovered from his person. The cloth bag allegedly contained suspected explosive material, two homemade IEDs, crackers, two detonators and safety-fuse wire. The Bomb Disposal Squad was called to the spot, defused the explosive articles and weighed the recovered material. It is further alleged that, during interrogation, the applicant disclosed his association with SPA and stated that the explosive material and pistol had been supplied to him by one Commander Zulfiqar Khaskheli for the purpose of targeting trains and railway tracks towards Punjab. On such allegations, the present case was registered. The prosecution also alleges recovery of an unlicensed pistol and ammunition, for which a separate offence under Section 23(1)(A) of the Sindh Arms Act, 2013 was stated to have been made out.

**3.** Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated with *mala fide* intention. The principal contention is that the alleged arrest on 15.03.2026 is not the true chronology of events. According to learned counsel, the applicant had already been forcibly picked up by law-enforcement agencies on 07.12.2025, from Solangi Hotel within the jurisdiction of Police Station Hatri and remained missing thereafter. He contended that the applicant's father approached various authorities and forums for his recovery and that, prior to registration of the present FIR, applications concerning his alleged disappearance had been submitted before the relevant authorities. Learned counsel has further relied upon Constitutional Petition No.D-2236 of 2025, instituted before this Court concerning the missing status of the applicant, which was disposed of on 17.03.2026. According to learned counsel, the subsequent showing of the applicant's arrest in the present crime, after a considerable lapse of time from his alleged disappearance, was intended to provide legal colour to his earlier detention. Learned counsel has further contended that no private or independent witness was associated with the alleged recovery despite the place being accessible to the public; that the mashirs are police officials subordinate to the complainant; that the alleged recovered articles have not been connected with any actual occurrence of terrorism, target killing; and that no overt act causing injury to any person has been attributed to the applicant. He further contended that the applicant is a student of Intermediate Class XII, has no previous criminal record as per instructions, and that the entire matter, at the very least, calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

**4.** Learned D.P.G. Sindh has opposed the bail application and has relied upon the prosecution version contained in the FIR, particularly the alleged recovery of explosive material, IEDs, detonators, fuse wire, pistol and ammunition from the applicant. It is contended, on behalf of the State, that the allegations are grave in nature and attract the provisions of the Anti-Terrorism Act, 1997, and that the material recovered from the applicant, coupled with the prosecution allegation regarding his association with SPA and intended use of the explosive material, constitutes sufficient material to disentitle him from the concession of bail. She, therefore, prayed for dismissal of the application.

**5.** We have heard learned counsel for the applicant and learned D.P.G. Sindh for the State and have carefully examined the material placed before us. At the bail stage, the Court is not required to conduct a detailed or meticulous appreciation of evidence; rather, the material is to be assessed tentatively to determine whether there are reasonable grounds for believing that the accused has committed the alleged offence or whether the case falls within the ambit of further inquiry under Section 497(2), Cr.P.C. The seriousness of the allegation, by itself, cannot substitute the statutory requirement of reasonable grounds, nor can a tentative observation at the bail stage amount to a final determination of guilt.

**6.** In the present case, the prosecution undoubtedly alleges recovery of substantial incriminating material from the applicant and the allegations, if ultimately established, are serious. However, the defence has brought on record a circumstance which cannot, at this tentative stage, be brushed aside altogether. The applicant asserts that he had been missing since 07.12.2025, whereas his formal arrest in the present crime is shown on 15.03.2026. More importantly, the defence relies upon contemporaneous proceedings initiated by the applicant's father concerning the alleged disappearance, including Constitutional Petition No.D-2236 of 2025. The said petition is stated to have been disposed of on 17.03.2026, i.e. shortly after the applicant was shown arrested in the present crime. We are conscious that the truth or otherwise of the allegation of illegal detention or enforced disappearance cannot be finally determined in these bail proceedings. Nevertheless, where a contemporaneous legal record is relied upon to demonstrate a chronology materially preceding the alleged arrest, such circumstance assumes

relevance in determining whether the prosecution case, in its present form, furnishes reasonable grounds of guilt or requires further probe.

7. The alleged recovery also requires tentative scrutiny. The prosecution version attributes the entire recovery to a search conducted at night at a public place, with the accompanying police officials acting as mashirs because, according to the FIR, no public person was available. We are not inclined to hold, merely because the mashirs are police officials, that the recovery is to be discarded. However, the absence of an independent witness, when coupled with the applicant's specific defence of prior unlawful detention and the disputed chronology of arrest, is a circumstance which may legitimately be considered at the trial. The evidentiary value of the recovery, the manner in which the articles were secured and sealed and their ultimate forensic linkage are also matters to be tested by the learned Trial Court upon recording evidence. At this stage, we are not treating the prosecution allegations as proof of guilt. The precise evidentiary status of the alleged disclosure, its admissibility and the extent to which it is corroborated by independent material are questions which require examination in accordance with law. Likewise, the prosecution allegation regarding the intended use of the recovered articles has yet to be tested through evidence.

8. We have also considered the invocation of Sections 6 and 7 of the Anti-Terrorism Act, 1997. The allegations are undoubtedly serious; however, the mere invocation of a penal provision does not relieve the prosecution of establishing, even at the tentative stage, the necessary nexus between the accused, the alleged act and the statutory ingredients of the offence. At present, without expressing any final opinion regarding the applicability of the ATA or the ultimate evidentiary value of the alleged recovery, the disputed chronology of the applicant's custody, the contemporaneous proceedings concerning his alleged disappearance and the questions surrounding the recovery and alleged disclosure collectively create circumstances requiring **further probe**. We are also mindful that some of the offences alleged against the applicant fall within the prohibitory clause of Section 497, Cr.P.C. However, the prohibitory clause does not create an absolute bar to bail where the material, upon tentative assessment, gives rise to a case of further inquiry. The Court is required to balance the gravity of the accusation with the quality and tentative strength of the material available against the accused. In the present case, the defence has identified circumstances which cannot

safely be resolved without deeper appreciation of evidence, which is the sphere of the learned Trial Court. The applicant has also asserted that he has no previous criminal record and is a **student of Intermediate Class XII**. These circumstances, though not by themselves determinative, may be taken into account along with the principal considerations discussed above. The applicant's continued incarceration, particularly where the disputed circumstances require adjudication through evidence, cannot be allowed to operate as punishment before conviction. Any legitimate concern regarding his appearance before the Trial Court can adequately be secured through appropriate surety and bail conditions.

**9.** Without expressing any final opinion on the merits of the case, we are of the considered view that the applicant has succeeded in making out a case of **further inquiry** within the meaning of Section 497(2), Cr.P.C., principally on account of: **(i)** the serious dispute regarding the chronology of the applicant's alleged disappearance and his subsequent formal arrest in the present crime; **(ii)** the existence of contemporaneous proceedings concerning his missing status; **(iii)** the need to examine the circumstances in which the alleged recovery was effected and its evidentiary linkage with the applicant; **(iv)** the need to determine, in accordance with law, the evidentiary worth of the alleged disclosure regarding his association with SPA and the alleged supply of explosive material; and **(v)** the fact that the ultimate nexus between the applicant and the alleged terrorist design, as well as the statutory ingredients of the offences, remain matters requiring proper appreciation of evidence at trial.

**10.** For the foregoing reasons, this bail application is **allowed**. **The applicant/accused Shah Rukh Khan son of Saleem Solangi is admitted to post-arrest bail**, subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) with P.R. bond in the like amount, to the satisfaction of the learned Trial Court.

**11.** It is clarified that the observations made herein are purely tentative in nature and shall not prejudice the case of either side at trial.

**12.** These are the reasons for our short order dated **01.09.2026**.

JUDGE

JUDGE