

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No.S- 512 of 2025

Applicant:	Yar Muhammad through Mr. Achar Khan Gabol, Advocate
Respondent:	State through Mr. Khalil Ahmed Maitlo, DPG
Date of hearing:	<b>24.06.2025</b>
Dated of order:	<b>24.06.2025</b>

## ORDER

**Amjad Ali Bohio, J:** After dismissal of the post-arrest bail application of the applicant/accused (hereinafter referred to as ***“the applicant”***) vide order dated 04.06.2025, passed by the learned Additional Sessions Judge, Daharki, the applicant has filed the instant bail application seeking post-arrest bail in Crime No.85 of 2025, registered at Police Station Ubauro, District Ghotki, for the offence punishable under Section 25 of the Sindh Arms Act, 2013.

**2.** According to the prosecution's case, on 23.05.2025 at about 0050 hours, the applicant was arrested in an injured condition following a police encounter related to Crime No.84 of 2025. Upon his search, a 30-bore pistol along with a magazine was allegedly recovered from his possession. Consequently, the present FIR, bearing Crime No.85 of 2025, was registered for possession of an unlicensed firearm.

**3.** Learned counsel for the applicant contended that the applicant has been falsely implicated due to political rivalry and enmity with influential figures in the area. He submitted that the weapon was foisted upon the applicant in order to strengthen the main case (Crime No.84 of 2025), the prosecution's version of which is itself doubtful, as no police official sustained any injury and no public or government property was damaged during the alleged encounter. It was further argued that all mashirs of the alleged recovery are police officials subordinate to the complainant, and

no private or independent witness was associated in the recovery process. Learned counsel emphasized that the investigation has been completed, the challan has been submitted, and the applicant is no longer required for investigative purposes. He further submitted that the offence does not fall within the prohibitory clause of Section 497, Cr.P.C., and that the case requires further inquiry.

4. Conversely, the learned Deputy Prosecutor General opposed the bail application, contending that the recovery of an unlicensed firearm is a serious offence and establishes a nexus between the applicant and a violent confrontation with law enforcement personnel.

5. I have considered the arguments advanced by the learned counsel for the applicant and the learned Assistant Prosecutor General and have examined the available material on record.

6. From a tentative assessment of the material available on record, it appears that the case against the applicant requires further inquiry within the meaning of Section 497(2), Cr.P.C. The record reflects that despite having prior information about the presence of armed suspects at the indicated location, the police party failed to associate any private individual to witness the anticipated recovery of weapons. Reliance in this regard is placed on the cases of Dost Muhammad alias Dooso v. The State (2021 MLD 772) and Muhammad Ramzan alias Chotu v. The State (2020 YLR 2582). Furthermore, no physical harm was caused to any police personnel or to property during the alleged encounter in the main case, which weakens the credibility of the prosecution's version.

7. The record further shows that the investigation has been completed and the final challan has been submitted. There is no material to suggest that the applicant is a hardened criminal, or that he is likely to tamper with prosecution evidence or abscond if released. Moreover, it is admitted that the applicant has already been granted bail in the main case (Crime No.84 of 2025). In such circumstances, when bail has been granted in the

principal offence, it is a well-settled principle that bail in a connected arms recovery case may also be considered favourably. Reliance is placed on the case of Sajjad Ali Maitlo v. The State (2022 P.Cr.LJ Note 74).

8. It is pertinent to mention that in the main case arising out of Crime No.84 of 2025, in which the applicant has already been granted bail through Criminal Bail Application No.S-511 of 2025, he was directed to deposit his original passport with the trial Court to ensure his attendance and prevent the possibility of absconding. For the sake of consistency and to safeguard the trial process, the applicant shall remain bound by identical terms in the present case.

9. In view of the foregoing, the instant bail application is allowed. The applicant, Yar Muhammad, son of Shabir Ahmed, by caste Gabol, is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- and a personal bond in the like amount to the satisfaction of the trial Court.

10. Needless to mention, the observations made herein are tentative in nature and shall not prejudice the case of either party at the trial. The instant Criminal Bail Application No. S-512 of 2025 is disposed of accordingly.

JUDGE