

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-958 2025

Applicant : Nadir Ali son of Ali Sher, Gopang
Through Mr. Alam Sher Khan Bozdar, Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Date of hearing : 27.10.2025
Date of order : 27.10.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— The applicant, Nadir Ali Gopang, seeks post-arrest bail in a case bearing crime No.55 of 2025, for offence under Section 24 of the Sindh Arms Act, registered at P.S Tamachani, District Sukkur. His prior bail plea was declined by the Additional Sessions Judge-IV (Hudood), Sukkur, vide order dated 24.09.2025.

2. The prosecution's case succinctly unfolds that on 12.09.2025 at about 0010 hours, complainant ASI Bakhatullah Tunio, supported by his staff, encountered and arrested the applicant in connection with Crime No.54 of 2025, involving offences under Sections 324, 353, 401, 34 PPC at P.S. Tamachani. The applicant was allegedly injured during the encounter, and from his possession an unlicensed T.T pistol of 30 bore, a magazine, and three live bullets were recovered.

3. Counsel for the applicant contends with firm conviction that the applicant is innocent and has been maliciously implicated. The asserted 'encounter' was in fact fabricated, with the arrest executed illegally and motivated by malafide intent. The absence of any injury or scratch on the police party, juxtaposed with injuries solely sustained by the applicant, casts profound doubt on the prosecution narrative. It is further highlighted that the mandatory safeguards enshrined in Section 103 Cr.P.C. were flagrantly disregarded, with no independent witnesses cited. Pursuant to this, the matter warrants thorough inquiry under Section 497(2) Cr.P.C.

4. Opposing these submissions, the learned Deputy Prosecutor General asserts that the applicant stands specifically named in the FIR, arrested at the scene, and in possession of the incriminating firearm and ammunition. On these grounds, the application for bail ought to be refused.

5. Having carefully considered the arguments and scrutinized the record, it is manifest that the prosecution case suffers from glaring infirmities compelling further investigation. Notably, only the applicant sustained injuries, and reportedly at the hands of his own companions, while the police remained unharmed, an anomaly demanding rigorous scrutiny. The prosecution's reliance is solely on police testimony, bereft of independent corroboration, thus raising legitimate doubts. The presumption of innocence, a cornerstone of criminal jurisprudence, mandates that when reasonable doubt persists, the accused must be protected, even at the bail stage.

6. It is pertinent to emphasize the applicant's clean antecedents and the absence of any indication that he is a habitual offender or a threat to society. Continued incarceration under these circumstances would serve no purpose in the pursuit of justice and fairness, particularly when the veracity of the allegations can only be adjudicated through evidence presented at trial. Significantly, applicant has been admitted to bail today by an other bench of this court in main case, as pointed by the learned counsel for the applicant, hence he also deserves same concession in this off shoot case too.

7. Accordingly, in light of the above, and recognizing the substantive need for further inquiry under Section 497(2) Cr.P.C., the applicant is hereby admitted to bail upon furnishing a solvent surety in the sum of Rs.50,000/- (Fifty Thousand Rupees) and providing a P.R. bond of the like amount, subject to the satisfaction of the learned trial court.

8. It is expressly clarified that the observations made herein are provisional, intended solely for the purpose of deciding bail, and shall not prejudice the trial court's final adjudication on the merits of the case following trial.

J U D G E