

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Bail Appln. No.S-404 of 2025
Cr. Bail Appln. No. S-405 of 2025

Applicant	Kaleemullah @ Balo Tunio in both cases Through Mr. Abdul Ghaffar Gopang, advocate
State	Through Mr. Sardar Ali Solangi, D.P.G.
Date of hearing	04-09-2025
Date of order	04-09-2025

ORDER

Shamsuddin Abbasi, J.- Through this single order, I would like to dispose of two bail applications. Cr. Bail Appln. No. S-404/2025 has been filed by applicant Kaleemullah in Crime No. 58/2025, registered at Police Station Waggan for the offence U/S 24 S.A.A. Cr. Bail Appln. No. S-405/2025 has been filed by the same applicant in Crime No. 57/2025, registered at Police Station Waggan for the offence U/S 402, 399, 324, 353, 148, 149 P.P.C. His bail plea was dismissed by the learned trial court vide order dated 21.06.2025.

2. The facts of the prosecution case as depicted in the impugned order are reproduced as under:-

On 31.05.2025 at 0230 hours, at Waggan-Lalu Raunk road near Fall Mori, situated in Deh Yarodero, Taluka Nasirabad, accused Kaleemullah @ Biloo with pistol, Nadeem with pistol, Hubdar @ Marshalla with gun, Wazir with gun, Mohsin with rifle and two unidentified persons with guns were assembled and made preparation at place of incident in order to commit an offence, on reaching the police party headed by ASI Ali Akbar of PS Waggan, accused fired upon complainant party with intention to commit their murder and used criminal force to deter them from discharging their lawful duties, then accused Kaleemullah was arrested with pistol while rest of accused made their escape good, hence two separate FIRs bearing crime No.57/2025 U/S 399-402, 324, 353, 148-149 PPC and 58/2025 U/S 24 Sindh Arms Act, 2013 were registered by the police against the applicant."

3. Learned counsel for applicant submits that the applicant is innocent and has been falsely implicated in this case with mala fide intention and ulterior motives; that this is case of ineffective firing and no any injury sustained by any member of police party, hence application of Section 324 P.P.C requires further

inquiry; that during encounter the applicant also sustained fire arm injury which has been caused by the police party; that pistol recovered from his possession was foisted upon the applicant in order to strengthen the main case. He has prayed for grant of post-arrest bail.

4. On the other hand, learned D.P.G. opposed for grant bail on the ground that the applicant is nominated in the F.I.R and he was caught hold red handed at the scene of offence along with crime weapon which connects the applicant in the alleged offence; that there is C.R.O of applicant which reveals that he is involved in two other cases of like nature, hence he is not entitled for grant of bail.

5. Heard learned counsel for applicant, learned D.P.G and perused material available on the record.

6. In fact this is a police encounter case which took place between the accused and police party but from police side none has received any scratch. Applicability of Section 324 requires further inquiry. It is matter of record that only applicant has sustained fire arm injury at the hands of police. Counsel for applicant claims that police caused fire arm injury to the applicant in a fake police encounter. Pendency of other similar cases or acquittals in the applicant's history do not in themselves constitute grounds to refuse bail if current circumstances justify further inquiry.

7. The applicant is in custody since his arrest. The case has been challaned and applicant is no more required for further inquiry. Sufficient grounds are available on record which calls for further enquiry in terms of Section 497(2) Cr.P.C.

8. Accordingly, both the bail applications are allowed. The applicant is admitted on post-arrest bail in both cases subject to furnishing solvent surety in the sum of Rs.100,000/- in each case and P.R bonds in the like amount to the satisfaction of learned trial court.

9. The above observation made herein is tentative in nature and would not prejudice the case of either party in trial.

J U D G E

Abdul Salam/P.A