

IN THE HIGH COURT OF SINDH AT KARACHI

Present

Mr. Justice Dr. Syed Fiaz ul Hassan Shah

Criminal Bail Application No.1943 of 2025 Criminal Bail Application No.1944 of 2025

Applicant : Nazeer Ahmed S/o Mola Bux
in both Applications through Mr. Khalid Hussain, Advocate

Complainant : Shahid Hussain Solangi S/o Hussain Bux
Solangi present in person.

Respondent : The State
through Ms. Rubina Qadir, Addl. P.G.
a/w PI/SIO Muhammad Ashraf of PS
Saddar & PI Sajjad Ali of PS Gizri

Date of hearing : 29.09.2025

Date of order : 29.09.2025

ORDER

Dr. Syed Fiaz Ul Hassan Shah, J. - By this common Order, I intend to dispose of both the bail applications filed by applicant Nazeer Ahmed, who is seeking post-arrest bail in Crime No.177/2025 for offence under Section 23(i)-A Sindh Arms Act, 2013 of PS Saddar and Crime No.329/2025 U/s 397/34 PPC registered at PS Gizri. His bail plea has been declined by the learned Addl. Sessions Judge-VI, Karachi South **[Trial Court]** vide orders dated 15.07.2025.

2. The facts are incorporated in the FIR as well as in the impugned orders and do not need to be reproduced for the purposes of deciding the bail application.

3. Learned counsel for the applicant while arguing main case of robbery contends that the applicant has been involved in two different FIRs falsely; that the FIR was registered against the unknown persons, as such, police has implicated him in the instant FIR; that no such recovery has been made from the applicant nor

any identification parade has been held to believe that the complainant has identified the same person who committed the robbery with him. While arguing offence U/s 23(i)-A of Sindh Arms Act, learned counsel states that the said offence does not fall within the prohibitory clause and punishment provided under the law is three years.

4. On the other hand, learned Addl. P.G. assisted by the IO has opposed the grant of bail and states that the complainant could not recognize the Applicant as he was wearing the Helmet while riding on motor cycle, she further states that weapon has recovered from the possession of the Applicant and the Applicant is involved in more than 5 cases of identical nature.

5. I have considered the arguments of learned counsel for the applicant, Complainant and learned Addl. P.G. and perused the material with their able assistance.

6. At the very outset, the Complainant present in Court, states that in compliance of last order, the SSP-I (Investigation), South Zone, Karachi has heard him and appointed new Investigation Officer who has informed that at the time of commission of offence, the Applicant was actually wearing helmet. I have noted that the FIR U/s 397/34 PPC was registered against the unknown person; however, after the Applicant was arrested and a weapon has recovered from his possession which is without license. The recovery of weapon has been effected from his possession and according to the IO, the Applicant was wearing helmet therefore the complainant could not identified him, however, the applicant belongs to a group of Dacoits and having CRO of 05 cases of identical nature. In such circumstances, bail to the Applicant cannot be granted and therefore both the bail applications are dismissed. However, since the challan has been submitted before the trial Court, therefore, the trial Court is directed to frame Charge and record the evidence of the Applicant within 60 days hereof and where after the applicant is liberty to move fresh bail application before the trial Court.

7. It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the trial Court, which shall decide the case strictly on its merits and in accordance with law.

JUDGE

Kamran/PS