

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.150 of 2026
Criminal Bail Application No.151 of 2026

Applicant : Aftab son of Abdul Ghani Through:
Mr. Dur Muhammad Mallah,
Advocate

The State : The State: Through Mr. Muhammad
Mohsin, Deputy Prosecutor General,
Sindh

Date of hearing : 20.02.2026

Date of Order : 10.03.2026

ORDER

Jan Ali Junejo, J:-- Through these connected Criminal Bail Applications filed under Section 497, Cr.P.C., the applicant/accused seeks post-arrest bail in (i) FIR No.1917/2025 of Police Station Shah Latif Town, District Malir, Karachi, registered under Sections 353, 324, 186, 392, 397, and 34, Pakistan Penal Code, 1860, and (ii) FIR No.1919/2025 of the same police station, registered under Section 23(1)(a) of the Sindh Arms Act, 2013. The applicant earlier approached the learned Sessions Court by filing bail applications in both crimes, which were dismissed vide order dated 13.01.2026 passed by the learned VIII Additional Sessions Judge, Malir, Karachi. Since both applications arise from the same occurrence and involve the same parties, they are being decided through this common order.

2. As per FIR No. 1917/2025, on 10.12.2025 complainant Adnan Khan informed a patrolling police party (ASI/SIP Shoukat Ali with staff on Govt. Mobile SPC-271) that at about 0150 hours, three persons on a motorcycle had just robbed him of an ITEL mobile phone (green), cash Rs.5,000, and CNIC and had fled towards Sector 22/B near Crown

Banquet/Hascol Pump. The police, accompanied by the complainant, pursued and, at about 0200 hours near Crown Banquet, located three suspects with a black Super Star 70 motorcycle KGO-1320. On seeing police, the suspects allegedly fired with intent to kill; police returned fire; the motorcycle fell and three persons were apprehended on the spot. Their names were disclosed as (1) Ashiq Ali S/o. Muhammad Sukhio (injured right arm), (2) Aftab S/o. Abdul Ghani (injury right leg), and (3) Taleem Ali S/o. Amir Bux (injuries from fall). In presence of the complainant, recoveries were allegedly effected: from Ashiq Ali, a 30-bore pistol with magazine and one chambered round, a broken black knuckle/dasta, the complainant's ITEL phone, Rs. 5,000, and CNIC; from the present Applicant Aftab, a 30-bore pistol with loaded magazine and one live round, and a Techno Spark mobile phone; and from Taleem, five live 30-bore rounds and a Techno touch phone. The accused allegedly failed to produce arms licences or motorcycle documents. Four 30-bore and two 9mm spent empties were secured from the scene. FIR No. 1917/2025 was registered for offences under Sections 353/324/186/392/397/34 PPC with separate arms FIRs.

3. FIR No. 1919/2025 was thereafter registered on the complaint of SIP Shoukat Ali under Section 23(1)(a) of the Sindh Arms Act, 2013, asserting the Applicant's possession of an unlicensed 30-bore pistol with one live round, allegedly recovered contemporaneously with the occurrence narrated in FIR No. 1917/2025, at Kacha Rasta near Crown Banquet/Hascol Pump, Sector 22/B, Malir.

4. Learned counsel for the Applicant contends that the Applicant is innocent and has been falsely implicated due to malice and prior harassment by police who allegedly demanded illegal gratification from his family; there is no independent private eyewitness despite the incident

occurring in a populated area; no police official or private person sustained firearm injury; there is no ballistic proof connecting the Applicant's weapon to the empties; alleged recoveries are foisted; there is delay of about 1 hour 30 minutes in lodging FIR No. 1917/2025 and two hours in FIR No. 1919/2025; and that co-accused Taleem has been granted bail by the learned trial Court, hence the rule of consistency entitles the Applicant to the same concession. It is submitted that the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C.; that the offences do not squarely fall within the prohibitory clause in substance; and that bail is a rule and its refusal is an exception.

5. Learned DPG opposes the applications on the grounds that the Applicant was apprehended at the spot during a hot pursuit in the complainant's presence; a 30-bore unlicensed pistol with a live round and a Techno Spark mobile phone were recovered from him; the occurrence constitutes a street robbery culminating in armed confrontation and firing at a police party, attracting Sections 392/397/324/353 PPC, heinous offences affecting public safety; the case against the Applicant is distinguishable from that of co-accused Taleem (from whom only loose ammunition is alleged to have been recovered); and the material on record, at this stage, provides reasonable grounds to connect the Applicant to the offences. Dismissal of bail is prayed.

6. I have considered the arguments advanced by the learned counsel for both the parties and perused the material available on record. The scope at bail stage is tentative; deeper appreciation of evidence is not permissible. The touchstone is whether there are reasonable grounds to believe that the accused is connected with the commission of the alleged offences, or whether his case falls within the remit of further inquiry under Section 497(2) Cr.P.C. The following features emerge from the

record at this tentative stage: The incident is reported as a continuous transaction commencing with immediate intimation by the complainant to a patrolling police party, followed by a prompt chase with the complainant aboard the police vehicle, and the on-spot apprehension of three suspects at the indicated location within minutes. The Applicant was apprehended on the spot and named; the complainant was present at the time of arrest and recoveries. From the Applicant's possession, a 30-bore pistol with a live round and a Techno Spark mobile phone were allegedly recovered; from co-accused Ashiq Ali, the complainant's robbed ITEL phone, cash, and CNIC were allegedly recovered; from co-accused Taleem, only five live rounds were allegedly recovered. Multiple spent empties (30-bore and 9mm) were secured from the scene. The FIRs were lodged without any inordinate or unexplained delay relative to the time of occurrence.

7. In cases of late-night street crime followed by hot pursuit, the absence of private independent witnesses does not, by itself, vitiate the prosecution's version for bail purposes. The police party, accompanied by the complainant, constitutes a competent set of witnesses; their statements are not to be discarded at the threshold. Similarly, non-sustenance of firearm injury is not determinative where overt acts suggest armed resistance; for Section 324 PPC, intent may be inferred from conduct and attendant circumstances, and injury is not a sine qua non.

8. The allegation of malice and foisting is, at present, a bald assertion unsupported by contemporaneous material reflecting antecedent enmity between the Applicant and the police/complainant. The sequence presented, chance interception during patrol based on real-time complaint, immediate chase, on-spot arrest with contemporaneous

recoveries, prima facie lends credence to the prosecution story at this stage.

9. The contention founded upon the rule of consistency, premised on grant of bail to co-accused Taleem by the learned trial Court, is misconceived on the available record. The incriminating substratum against the Applicant is qualitatively different: alleged recovery from him of a functional 30-bore pistol with a live round and a mobile phone, coupled with on-spot apprehension in the complainant's presence. In contrast, the case against Taleem is limited to possession of loose ammunition, with no weapon or robbed property recovered from him. Where the role and recoveries materially differ, parity does not arise.

10. With respect to the non-prohibitory argument, even where an offence may not strictly fall within the prohibitory clause, bail is not to be granted as a matter of course. The decisive consideration remains the presence of reasonable grounds. Here, the allegations implicate the Applicant in the commission of street robbery while armed, resistance to lawful apprehension by firing at police, and possession of an unlicensed firearm. Section 397 PPC, alleged in FIR No. 1917/2025, carries severe punishment and, along with Sections 324 and 353 PPC, squarely engages public safety concerns that weigh against the grant of bail where a strong prima facie link is disclosed.

11. Insofar as FIR No. 1919/2025 under Section 23(1)(a) Sindh Arms Act is concerned, the alleged recovery of a 30-bore unlicensed pistol with a live round from the Applicant at the relevant time and place, contemporaneous with the principal occurrence, provides sufficient tentative material connecting him to the offence under the Arms law. The impugned order dated 13.01.2026 of the learned VIII Additional Sessions

Judge, Malir, declining bail in the said FIR, demonstrates a correct application of the settled parameters and does not appear to suffer from perversity or misreading warranting interference. Bearing in mind the foregoing and eschewing deeper appreciation, I am of the tentative view that reasonable grounds exist to believe that the Applicant is connected with the commission of the alleged offences in both FIRs. The case, at this stage, does not qualify for further inquiry within the contemplation of Section 497(2) Cr.P.C.

12. Resultantly, both Criminal Bail Application No. 150 of 2026 and Criminal Bail Application No. 151 of 2026 are dismissed. The observations made herein are tentative in nature, solely for the purpose of deciding these bail applications, and shall not prejudice the learned trial Court in determining the case strictly on its own merits.

JUDGE

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