

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st Crl. Bail Appln. No.S-409 of 2026

Applicant : Zeeshan Gopang,
through Mr. Shahzaib Shabir Gopang, Advocate.

Respondent : The State, through Mr. Aitbar Ali Bullo,
Deputy Prosecutor General.

Date of hearing : 21.09.2026.
Date of Order : 21.09.2026.

ORDER

RIAZAT ALI SAHAR, J.- Through the instant Criminal Bail Application, applicant Zeeshan son of Muhammad Hanif, by caste Gopang, seeks post-arrest bail in Crime No.166 of 2026, registered at Police Station K.N. Shah, District Dadu, for an offence under Section 25 of the Sindh Arms Act, 2013. His application for bail was dismissed by the learned Sessions Judge, Dadu, vide order dated 30.06.2026.

2. Briefly stated, the prosecution case is that on 04.06.2026, at about 10:05 p.m., following an alleged encounter with a police party of P.S. K.N. Shah headed by ASI Bashir Ahmed Leghari, the applicant was apprehended in an injured condition in connection with Crime No.165 of 2026 of the same police station, registered under Sections 324 and 353, PPC. At the time of his apprehension, an unlicensed .30-bore pistol with an empty magazine was allegedly recovered from his possession. Consequently, the instant case was registered against him on behalf of the State.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated by the police. According to him, the applicant was already in police custody and was subsequently fired upon from close range, whereafter he was implicated not only in the main case but also in the instant offshoot case by foisting the alleged recovery of pistol upon him. It was further contended that both mashirs of the alleged recovery are police officials subordinate to the complainant and no independent person from the locality has been associated with or cited as a witness to the alleged recovery. Learned counsel maintained that these circumstances bring the case within the

ambit of further inquiry. Lastly, he submitted that the investigation has already been completed, challan has been submitted before the competent Court and, therefore, the applicant is no longer required for the purpose of investigation.

4. Conversely, learned Deputy Prosecutor General opposed the grant of bail and submitted that the applicant, along with his accomplices, allegedly fired upon the police party and, during the encounter, sustained a firearm injury, due to which he could not escape and was apprehended at the spot. According to the prosecution, an unlicensed .30-bore pistol, allegedly used by the applicant during the encounter, was recovered from his possession. He, therefore, contended that the applicant is not entitled to the concession of bail.

5. I have heard learned counsel for the applicant and learned Deputy Prosecutor General for the State and have carefully examined the material available on record.

6. Admittedly, the instant case is an offshoot of Crime No.165 of 2026 of P.S. K.N. Shah, registered under Sections 324 and 353, PPC, arising out of the same alleged occurrence. The applicant has already been admitted to bail in the said main case by this Court. The alleged recovery forming the basis of the present case is inseparably connected with the same occurrence and is, therefore, required to be examined in the light of the evidence to be recorded at trial.

7. It is also noteworthy that no independent person has been associated with or cited as a witness to the alleged recovery and both mashirs are police officials. Though the testimony of police officials cannot merely on account of their official status be discarded at this stage, the circumstances surrounding the alleged recovery, particularly when considered alongside the applicant's defence regarding the manner of his apprehension, call for further probe and would appropriately be determined after recording evidence at trial.

8. Moreover, the investigation has already been completed and challan has been submitted before the competent Court; therefore, the applicant is no longer required for custodial investigation. Nothing has been brought on record to suggest any reasonable apprehension that, if released on bail, he would tamper with the prosecution evidence or otherwise obstruct the course of trial. Likewise, no material has been produced to show that the applicant is a previous convict or habitual offender.

9. Section 25 of the Sindh Arms Act, 2013 provides punishment which may extend to ten years, besides fine. The expression “may extend to ten years” itself leaves the actual quantum of sentence to be determined by the trial Court upon conclusion of the trial, keeping in view the nature and circumstances of the case and the evidence brought on record. Thus, whether, in the event of conviction, the applicant would attract the maximum punishment so as to bring his case within the prohibitory clause of Section 497(1), Cr.P.C., or would ultimately be awarded a lesser sentence, is a matter which, in the circumstances of the present case, cannot be conclusively determined at the bail stage and requires further inquiry.

10. The cumulative effect of the circumstances noted above, particularly that the present case is an offshoot of the main case in which the applicant has already been admitted to bail; that the alleged recovery is integrally connected with the same occurrence; that no independent person has been associated with the recovery; that investigation stands completed and challan has been submitted; and that no previous criminal conviction has been brought on record, is sufficient, tentatively, to bring the case of the applicant within the ambit of further inquiry contemplated by Section 497(2), Cr.P.C.

11. For the foregoing reasons, the applicant succeeded in making out a case for the grant of post-arrest bail. Consequently, the instant Criminal Bail Application was allowed by means of a short order dated 21.09.2026, subject to the terms and conditions mentioned therein.

12. These are the reasons for the aforesaid short order dated 21.09.2026.

JUDGE

Qazi Tahir PA*