

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st CrI. Bail Appln. No.S-408 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.165 of 2026, registered at Police Station K.N. Shah, District Dadu, for offences under Sections 324 and 353, PPC. 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 10:00 p.m., near White Masjid situated on the link road leading from K.N. Shah to Yachgi, an encounter allegedly took place between a police party of P.S. K.N. Shah, headed by complainant ASI Bashir Ahmed Leghari, and four culprits. After an exchange of fire lasting about five minutes, the applicant/accused, having sustained a firearm injury to his right leg, was apprehended, whereas his alleged companions succeeded in escaping. A .30-bore T.T. pistol with an empty magazine was allegedly recovered from his possession. He was accordingly arrested and, after completion of the usual investigation, sent up to face trial before the competent Court of law.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated by the police. He submitted that no encounter, as alleged by the prosecution, had in fact taken place, which is evident from the circumstance that despite the alleged exchange of fire between four police officials and four culprits for about five minutes, neither any member of the police party sustained an injury nor was the police mobile hit by any bullet. According to learned counsel, the applicant was already in

police custody and was subsequently fired upon from close range, whereafter the instant case, as well as the connected/offshoot case, was foisted upon him along with the alleged recovery. It was further contended that no independent person from the locality has been associated with or cited as a witness to the alleged encounter or recovery. On these grounds, it was argued that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C., and he is, therefore, entitled to the concession of bail.

4. Conversely, learned DPG for the State opposed the application and submitted that the applicant was apprehended in an injured condition immediately after the encounter with the police and that the firearm injury sustained by him was caused by the firing of his own companions. He further submitted that a pistol was recovered from the possession of the applicant and, therefore, he is not entitled to the concession of bail.

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

6. According to the prosecution, the applicant was apprehended on 04.06.2026 following an exchange of fire lasting about five minutes between a police party comprising four officials and four alleged culprits. Prima facie, however, certain circumstances emerging from the record call for deeper scrutiny at trial. Despite the alleged cross-firing for a considerable duration, not a single member of the police party sustained even a minor injury, nor does the record indicate that the police vehicle was struck by any bullet. On the other hand, the applicant alone sustained a firearm injury to his leg and was apprehended at the spot. These circumstances, at least tentatively and for the limited purpose of bail, create a reasonable question regarding the manner in which the occurrence allegedly took place and render the prosecution version open to further inquiry.

7. It is also significant that Section 353, PPC, is a bailable offence. So far as Section 324, PPC, is concerned, the applicability thereof, in the peculiar facts and circumstances of the case, requires further probe, particularly when no member of the police party is alleged to have sustained any injury during the occurrence. Whether the applicant actually fired at the police party with the requisite intention or knowledge contemplated by Section 324, PPC, is a matter which can appropriately be determined after recording and evaluating

the evidence at trial and cannot, at this stage, be conclusively resolved against the applicant.

8. Furthermore, no material has been brought on record to show that the applicant is a previous convict or habitual offender. The alleged recovery of the pistol and the circumstances surrounding the alleged encounter are matters to be tested through evidence. At the bail stage, a deeper appreciation of evidence is neither permissible nor warranted. The cumulative effect of the circumstances noted above is sufficient, tentatively, to bring the case of the applicant within the ambit of further inquiry as contemplated by Section 497(2), Cr.P.C.

9. For the foregoing reasons, the case of the applicant was found to be one of further inquiry and, 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.

10. These are the reasons for the aforesaid short order.

JUDGE

Qazi Tahir PA/*