

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S- 1044 of 2026

Date of hearing: 14.09.2026.

Date of order: 14.09.2026.

Mr. Imtiaz Ali Abbasi, Advocate for applicant.

Mr. Shahid Shaikh, Additional P.G for State along with IO/SIP
Fayyaz Zaman PS Tando Yousuf.

ORDER

ABDUL MOBEEN LAKHO, J.- Applicant/accused Zain-ul-Abidin seeks post arrest bail in Crime No.86/2026 registered at Police Station Tando Yousuf, Hyderabad for offences u/s 324, 353, 34 PPC. Previously, the applicant/accused applied for the same relief before the learned IInd Additional Sessions Judge, Hyderabad but the same was declined vide order dated 22.07.2026. Hence this bail application.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel appearing on behalf of the applicant contends that the applicant is innocent and has falsely been implicated in the case in hand; that the applicant has been implicated on account of some civil dispute with one Mst. Razia who is his relative; that the brother of applicant had filed an application u/s 491 Cr.P.C wherein raid was also conducted and thereafter, applicant was booked in this false FIR; that no any independent person has been cited as mashir though the complainant had prior information of the incident and the recovery of pistol has been foisted upon him. He lastly prayed for grant of bail to the applicant.

4. Conversely, learned Additional P.G opposed the grant of bail to the applicant/accused on the ground that he is nominated in FIR with specific role of firing on the policy party but he could not controvert the fact that the application u/s 491 Cr.P.C was filed prior to registration of FIR.

5. Heard learned counsel for the parties and perused the entire material available on record.

6. Admittedly, the tentative assessment of record reveals that the brother of applicant had filed an application u/s 491 Cr.P.C before the Ex-Officio Justice of Peace, Hyderabad for recovery of applicant/accused in which raid was also conducted by the concerned Judicial Magistrate on 11.07.2026 and the order was passed by the trial Court on the same day for recovery of the accused from the clutches of police authorities. Then he was shown in present FIR on the next day which was lodged on 12.07.2026 and apparently the said application was filed prior to registration of this FIR. Suffice to say that albeit it is alleged that there was face-off between the police and applicant party for about 2/3 minutes but none had received any injury from police party nor any scratch was made to the police mobile. Worth to add here that when it is alleged that incident had taken place in an open area, both sides caused direct fire shots upon each other, inspite of that not a single injury was caused to the police, or any damage was caused to police vehicle, this aspect requires further probe and is yet to be decided by the trial Court at the time of recording evidence. So far as other criminal cases against the accused are concerned, learned counsel has placed on record the copies of those orders wherein either the applicant has been granted bail or acquitted of the charge. The allegations against the applicant are general in nature. The investigating agency/complainant failed to associate any independent person of the locality to act as a *mashir* during the initial proceedings of arrest and recovery of pistol from the accused. The Section 353 PPC is bailable whereas the applicability of Section 324 PPC under these facts is highly doubtful and remains subject to determination during trial, bringing the case squarely within the purview of Section 497(2) Cr.P.C. (Further Inquiry). The investigation in the instant case stands completed and the *challan* has already been submitted before the competent Court; hence, the applicant is no longer required for further investigation. Furthermore, as the prosecution case rests upon the evidence of police officials hence there is no chance to tamper with the evidence.

7. In view of the above circumstances, a case for grant of post-arrest bail is made out. Consequently, the instant application is **allowed**. The applicant is granted post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand) and P.R Bond in the like amount to the satisfaction of the learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and will not prejudice the case of either party at trial.

JUDGE

Tufail