

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Criminal Bail Application No.306 of 2018**

Date	Order with signature of Judge
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For hearing of bail application.

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**24.01.2019**

Mr. Farukh Jan Shaikh, advocate for the applicant.

Applicant/accused is present on bail.

Ms. Rahat Ahsan, Additional P.G.

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**NAZAR AKBAR, J.** The applicant/accused is facing trial in Crime No.385/2017 under Section 23(1)(A) of Sindh Arms Act, 2013 registered at P.S. Shah Faisal Colony, Karachi. The applicant after failing to obtain confirmation of interim bail from the Court of V-Additional Sessions Judge, East Karachi has preferred this bail application.

2. Brief facts of the case as spelt out from the FIR are that complaint ASI Zulfiqar Gul was on patrolling duty on police mobile alongwith his subordinate staff. During patrolling he received spy information through telephone that before 22.08.2016 one Imtiaz Hussain @ Lamba son of Ghulam Hussain, Sector Incharge of Shah Faisal Colony illegally buried the weapons at previous Shah Faisal Sector Office (MQM Altaf). On such information, they went to pointed place and on pointation of spy informer excavated the ground whereupon one plastic bag was recovered wherein three unlicensed Kalashnikovs bearing No.(1) KK-1968-NT-7985, (2) KK-1970-MY-6404 and KK-167-1587 alongwith three magazines and 80 live bullets were recovered, therefore, FIR was lodged.

3. On perusal of available record and consideration of arguments advanced by the parties, I have noted that:-

- i. The applicant/accused was not arrested on the spot and in the challan he has been shown in column No.2, though there is no description of the applicant in the FIR.
- ii. The spy information was recorded on phone but phone number is not mentioned in the FIR.
- iii. Out of three weapons mentioned in the FIR one KK- KK-1968-NT-7985, 1970-MY-6404, belongs to the applicant and he is license holder of the said weapons.
- iv. All the weapons mentioned in the FIR have already been burnt in fire in the Malkhana of City Courts on **29.4.2018**.
- v. The malafide of the police can be appreciated from the fact that accused was in jail and facing trial in FIR No.48/2017 under **Section 4/5** of Explosive Substance Act, and acquitted on **21.11.2017** and **28.12.2017** he has been shown as accused in a case of blind FIR.

4. In view of the above facts and circumstances, the bail before-arrest earlier granted to the applicant by this Court by order dated **28.02.2018** is hereby confirmed on same terms and conditions.

5. Needless, to mention here that the observations made hereinabove are tentative in nature and should not influence trial Court while deciding the case of the applicant/accused.

JUDGE

*Ayaz Gul*