

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Application No.140 of 2019

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For hearing of bail application.

06.03.2019

Syed Farhat Hussain Naqvi, advocate for the applicant.
Ms. Rahat Ahsan, Additional P.G.

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NAZAR AKBAR, J.- Through the instant bail application, applicant/ accused Muhammad Ahmed Tahir son of Ghulam Hussain, after failing to obtain post arrest bail from V-Additional Sessions Judge, East Karachi, seeks bail after arrest in FIR **No.301/2018**, under Sections **23(i)A of Sindh Arms Act, 2013** registered at police station Gulshan-e-Iqbal, Karachi.

2. To be very precise, the facts of the prosecution case as disclosed in the FIR are that on 10.07.2018 SIP Ikhtiar Ali Billo was conducting investigation of FIR No.92/2018 U/S 468/471/34 PPC of P.S Gulistan-e-Jauhar, Karachi, during interrogation and on pointing of accused Sajid Khan son of Zahid Khan arrested co-accused Muhammad Ahmed Tahir son of Ghulam Hussain (present applicant) at Service Road, near Main Gate, Ruffi Heaven, Block-13-D-II, Gulshan-e-Iqbal, Karachi. On 27.03.2018 the said accused Muhammad Ahmed Tahir was apprehended and two licensed weapons one Rifle (22) bearing No.7559 alongwith magazine and one pistol of 45 bore bearing No.MDY-90820 alongwith two magazines and 11 rounds bearing license No.139325/2010 dated 16.10.2010 in the name of Muhammad Ahmed Tahir son of Ghulam Hussain were recovered. The police took the said weapons into custody and sent the license to concerned department for verification, however, the same was found to be fake and bogus as per report, therefore, FIR was registered against the applicant/accused.

3. The accused was arrested from his house on the charge of having possession of the two weapons mentioned in the FIR. The

accused/applicant has claimed that the weapons mentioned in the FIR No.301/2018 are owned by him and he had the license for both the weapons. He has even provided copies of the application made to relevant authority for renewal of the licenses.

4. On the last date of hearing learned Additional P.G was provided even receipts showing tracking number for renewal of the license of the applicant. Learned Additional P.G in the morning informed the Court that Investigation Officer ASI Muhammad Waseem Khan of P.S Aziz Bhatti, Karachi, who was provided copy of tracking I.D of the receipt issued by the NADRA is not attending her phone call. He is not in attendance even after tea break. Be that as it may, this Court has noticed in recent cases that it is always the prosecution failure on account of non-cooperation of investigating officer with the prosecution department. Unfortunately learned Prosecutor General seems to have not been able to affirm co-operation of the police with the prosecution appearing in the Court. Therefore, besides the merit, instant bail application is allowed also on the ground that I.O has not been able to assist the Additional P.G to contest this bail application on merit. The applicant is admitted to bail subject to furnishing solvent surety in the sum of **Rs.100,000/-** (*Rupees One hundred Thousand*) and P.R bond in the like amount to the satisfaction of the trial Court.

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

JUDGE

Ayaz Gul