

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No. 883 of 2018

Date Order with Signature of the Judge

For hearing of bail application.

Heard on : 12th July, 2018
 Date of order: : 12th July, 2018
 For Applicant : Mr. Shakil Ahmed Khan, Advocate.
 For State : Ms. Seema Zaidi, D.P.G.

Kausar Sultana Hussain, J.:- This post arrest bail is preferred on behalf of applicant/accused Muhammad Suleman S/o Muhammad Akhtar, who is in judicial custody in case FIR No.13/2018 dated 13.01.2018, registered at P.S. Shakra-i-Noor Jehan, District Karachi, Central for offence under Section 23(i)(a) of Sindh Arms Act 2013. Applicant/accused filed bail applications before the Court of learned VIIth Additional Sessions Judge, Karachi Central, which were dismissed vide orders dated 23.02.2018 & 06.06.2018 respectively, hence, this application.

2. Heard learned counsel for the applicant/accused, learned DPG appearing for the State and also perused the record presented before this Court.

3. A plain reading of FIR reveals that the police contingent who was busy in patrol duty, recovered one Kalashnikov SMG (sub machine gun) without number made in RSSR from the accused when he was riding on a motor bike, hence this FIR.

4. It appears that the accused was arrested in two cases at a time, one having in possession of stolen motorcycle for which FIR No.12/2018 dated 12.01.2018 under Section 381-A, PPC was registered at P.S Shara-e-Noor Jehan, Karachi Central for the offence allegedly committed or occurred on 24.10.2017 and the other case registered vide FIR No.13/2018 dated 13.01.2018 under section 23(i)(a) of Sindh Arms Act 2013. Applicant/accused has already been enlarged on bail in case FIR No.12/2018 by the Court of leaned IVth Judicial Magistrate, Karachi

Central. It is apparent that both the cases were registered concurrently at the same police station. Admittedly, first offence was allegedly committed more than two months before the arrest of applicant/accused. However, I failed to understand the reasons which compelled the police to register the case after the lapse of such a long period and to arrest the accused in two cases simultaneously. It is also apparent from the FIR that the recovered weapon is without number whereas, FSL report depicts that the weapon is with rubbed number. There is also delay of two days in sending the recovered weapons to Fransic Division for FSL report without any cogent reason.

5. From the above discussion, it is apparent that the case is of further inquiry and accused deserved concession of bail in these circumstances. Accordingly, applicant/accused is enlarged on bail against the surety in the sum of Rs.200,000/= (Rupees Two Hundred Thousand only) with P.R bond in the like amount to the satisfaction of Nazir of this Court.

6. Needless to mention here that the above observations are tentative in nature and trial Court shall not be influenced with them in any manner whatsoever.

7. Above are the reasons for the order dated 12.07.2018.

JUDGE

M. Khan