

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No.1235 of 2021

Date

Order with signature of Judge

For hearing of Bail Application.

24.08.2021

Mr. Asadullah Memon, advocate for the applicant.
Ms. Rubina Qadir, Deputy Prosecutor General, Sindh.

ORDER

Muhammad Saleem Jessar, J:- Through this bail application, applicant Ghulam Shabbir seeks his release on bail in Crime No.649 of 2021 of P.S Sachal, Karachi, under Section 23(i) Sindh Arms Act, 2013. The bail plea preferred by accused before trial Court was declined by means of order dated 08.05.2021, hence this application has been maintained.

2. Brief facts as per FIR are that on 16.04.2021 the police of police station Sachal after an encounter arrested the accused Ghulam Shabbir in an injured condition and recovered an unlicensed 30 bore pistol with 02 live bullets from his possession. Thus, FIR was registered u/s 23(i) (a) Sindh Arms Act.

3. At the very outset, learned counsel for applicant submits that instant case is off-shoot of main case being Crime No.647 of 2021, in which applicant has been granted post-arrest bail by this Court vide order dated 24.08.2021. He, therefore, submits that applicant may be granted bail in this case also. In support of his contention, he has placed reliance upon the cases of (i) *ABDUL REHMAN Versus The STATE* (2014 YLR 2083), (ii) *MUHAMMAD JAMIL Versus The STATE through Advocate General Punjab, Lahore* (2017 YLR Note 4), (iii) *MUHAMMAD USMAN Versus The STATE* (2018 YLR Note 263) & (iv) 1998 P.Cr.L.J 747.

4. Learned Deputy P.G, Sindh opposes bail application on the ground that prosecution has to verify the weapon allegedly used by applicant in the commission of main offence, therefore, mere grant of bail in main case is no ground for grant of bail in this case.

5. **Heard arguments, record perused.** Admittedly, instant crime is offshoot of the aforesaid main crime and both cases are pending for trial before same trial Court. Record reflects that applicant has already been granted post arrest bail in main case by this Court vide order dated 24.08.2021; therefore, the propriety of law demands that applicant may also be extended concession of bail in the present case. Reliance can also be had from the case of *MANJHI Vs. The STATE (PLD 1996 Karachi 345)*. Accordingly, instant bail application is hereby allowed. Applicant Ghulam Shabbir son of Muhammad Ismail, shall be released on bail subject to furnishing his solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousands Only) and PR Bond in the like amount to the satisfaction of learned trial Court.

6. It may be pertinent to mention here that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, the learned trial Court may proceed against the applicant, if he is found misusing the concession of bail.

7. This Criminal Bail Application is disposed of in the terms indicated above.

JUDGE