

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No. 870, 871 & 873 of 2021

Date	Order with signature of Judge
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For hearing of bail applications

23.06.2021

Mr. Muhammad Hashmat Khalid, advocate for applicant/accused
Mr. Faheem Hussain Panhwar, DPG

Though captioned bail applications were dismissed as announced but while dictating the order it is reflected that co-accused has been granted bail by my learned brother Arshad Hussain Khan,J, in Criminal Bail Application No. 516 of 2021. Accordingly, in view of Nazir Ahmed & another vs. The State [PLD 2014 SC 241] bail is to be heard by the same bench. However this matter may be placed before Hon'ble Chief Justice for appropriate order.

Office to place copy of this order in connected matters.

J U D G E

Sajid

Through this single order, I intend to dispose of these bail applications filed by applicants Qamar Shahzad, Zamin Ali @ Mumtaz and Liaquat Ali Kashmiri, wherein they have prayed for grant of post arrest bail.

2. Precisely the facts of the case are that SIP Saleem Siddique upon receiving spy information regarding presence of armed persons in a car parked at main road near Sindh Government Hospital, went at the spot and apprehended the applicants along with co-accused Rashid Kashmiri. From the possession of applicant Qamar Shahzad police recovered one baby K.K close butt loaded with magazine having six rounds, from applicant Zamin Ali @ Mumtaz one baby K.K close butt loaded with magazine having six rounds and from the possession of applicant Liaquat Ali Kashmiri police recovered one 30 bore pistol along with four live bullets and from co-accused police recovered one 223 rifle loaded with magazine containing 22 rounds. Police sealed the arms in presence of mashirs. Accused failed to produce the licenses for the weapons carried by them. Thereafter, accused and arms were brought at police station where separate FIRs under Section 23(1)(a) of Sindh Arms Act 2013 were registered against the accused on behalf of state.

3. Mr. Hashmat Khalid, learned Advocate for the applicants/accused, *inter alia*, contends that applicants have been falsely implicated in the present case; that the applicants/accused were picked up by police and from their release an application was sent to Honourable Chief Justice; that police demanded bribe and on refusal the applicants' weapons have been foisted upon accused; that no report is available on record to ascertain that whether finger prints on the weapons were matched with the finger prints of the applicants, therefore he prayed for grant of bail to the applicants.

4. Mr. Faheem Hussain Panhwar, learned DPG contends that two baby K.Ks having live rounds as well as 30 bore pistol were recovered from the possession of the applicants; police officials had no enmity whatsoever to falsely implicate the accused in this case; that the applicants are involved in similar like nature offences as well. Lastly, it is contended that accused have committed grave offence, hence he prayed for dismissal of the bail applications.

5. Heard and perused the relevant record.

6. Perusal of record shows that applicants/accused were arrested by police upon spy information on 18.02.2021 at 1355 hours from a car and from their possessions baby K.Ks and pistol were recovered. The offence with which the applicants are charged is a heinous offence. Previous Criminal Records of the applicants have also been placed on record according to which against applicant Qamar Shahzad 05 cases, against applicant Zamin Ali Mumtaz 11 cases and against accused Liaquat Ali Kashmiri 32 cases are pending before different Courts. On my tentative assessment of material available on record, there appear reasonable grounds for believing that applicants/ accused have committed alleged offences punishable for more than 10 years with fine. With regard to the claim of Applicants' false implication, the same is an issue that cannot be attended without going beyond the scope of tentative assessment, a venture prohibited by law. In my view prima facie, there is sufficient material on record to connect the applicants with the commission of the offense.

7. In the above circumstances, the applicants have failed to make out a case for grant of bail, hence these bail applications are **dismissed**.

8. Needless to mention here that observation made herein above are tentative in nature and would not influence trial Court while deciding the case of the applicant/ accused on merits.

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Sajid

JUDGE