

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2352 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

26-01-2023

Khawaja Muhammad Azeem, Advocate for applicant.
Mr. Muntazir Mehdi, Addl.P.G.

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Omar Sial, J. Mohammad Tauheed has sought post arrest bail in crime number 83 of 2022 registered under section 25 of the Sindh Arms Act, 2013 at the Orangi police station. Earlier, his application seeking bail was dismissed by the learned 6th Additional Sessions Judge, Karachi West on 25.11.2022.

2. A background to the case is that Mohammad Tauheed was an accused in a murder case arising out of F.I.R. No. 1354 of 2021. During investigation of the aforementioned F.I.R., the crime weapon, a licensed 9 mm pistol was recovered on Tauheed's pointation.

3. Learned counsel has argued that the weapon in question was not recovered on the pointation of the applicant but was in fact handed over to the police by Tauheed's brother and that recovery was effected after substantial delay. Learned Addl.P.G. has supported the impugned order. I have heard the counsels. My observations and findings are as follows

4. It must be taken into account that the weapon seized was allegedly used in the murder of one boy and injuries to another. Tauheed has been unable to obtain bail in the murder case. While the 2 cases are technically separate cases, they are so intricately and closely linked that any observations made by this Court may inadvertently and unintentionally impact the case of either party at trial. Upon a tentative assessment it appears that a weapon was recovered at the applicant's pointation, which may have been used for carrying out an illegal act and hence at this stage I

am not inclined to grant any leniency to the applicant on this count. Violation of section 25 of the Sindh Arms Act, 2013 carries a potential punishment of 10 years and thus will fall within the prohibitory clause of section 497 Cr.P.C. There appears to be sufficient evidence with the prosecution to establish a nexus of the applicant with the crime complained of.

5. Bail application stands dismissed.

JUDGE