

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

Cr. Bail Application No. 2086 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

**22<sup>nd</sup> December, 2021**

M/s. Bacha Zaib and Habib Ahmed, Advocates for applicant.  
Mr. Talib Ali Memon, APG a/w SIP Ghulam Shabbir, I.O.

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Omar Sial, J: Mehboob has sought post arrest bail in Crime No. 1433 of 2021 registered u/s 23(1)(a) of the Sindh Arms Act, 2013 at the Site Superhighway Industrial Area police station. Earlier, his application seeking bail was dismissed on 23-10-2021 by the learned Sessions Judge, Malir.

2. A background to the case is that the aforementioned F.I.R. was registered on 15-10-2021 on the complaint of A.S.I. Mumtaz Chandio. Chandio reported that a police party led by him was on normal patrol duty when they saw a suspicious motorcyclist who tried to run away from them but fell down and was apprehended by the police. By search of his body, a one 0.30 bore pistol was recovered along with three live bullets. The applicant was also unable to produce the documents of his motorcycle.

3. I have heard the learned counsels. My observations and findings are as follows.

4. Learned counsel for the applicant has argued that in fact the police vehicle had hit the motorcycle of the applicant and that as he was severely injured, this case was foisted upon him by the police in order to save themselves from criminal proceedings. He further argued that the *malafide* of the police is apparent from the fact that the memo of arrest and recovery does not indicate that there was any number inscribed on the weapon recovered, however, the report of the forensic department shows that there was a serial number "22054/944" inscribed on the weapon which was sent for forensic analysis. The learned Assistant Prosecutor General has supported the bail dismissing order.

5. It has not been complained of that the weapon allegedly recovered from the applicant was used or proposed to be used for the commission of a crime. There is a disparity regarding the serial number inscribed on the weapon sent for forensic analysis compared with the detail of the weapon given in the memo of arrest and recovery. The number on the weapon sent for forensic analysis is not recorded in the memo of arrest and recovery. It further appears that no investigation has taken place to determine the origins of the weapon keeping in view the fact that it did have a number on it. The applicant has been in custody and is no longer required for investigation. Whether or not he did possess the weapon as alleged; whether the incident occurred as narrated by the complainant; whether the weapon seized was the same one as sent for forensic analysis, are aspects that will be determined by the learned trial court when it has had the benefit of analyzing the evidence produced before it. The weapon is in possession of the police and there is no chance of the applicant tampering with evidence. No purpose will be served in keeping the applicant incarcerated pending trial. In the event the applicant repeats a similar offence, the prosecution will be at liberty to move an application for the cancellation of his bail.

6. Above are the reasons for my short order of 18-11-2021.

JUDGE