

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
Cr. B.A. No. 1475 of 2023

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Date	Order with signature of Judge
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For hearing of bail application.

18.07.2023

Ms. Rafia Raham Ali, Advocate for the applicant/accused.

Mr. Faheem Panhwar, DPG.

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1. Applicant Shair Baz son of Muhammad Ilyas is seeking bail after arrest in FIR No. 50/2023 lodged under Section 23(I)A Sindh Arms Act, 2013 at P.S. CTD, Karachi.
2. The allegation against the applicant/accused is that he was found in possession of an unlicensed pistol.
3. Learned counsel for the applicant/accused contended that application is not previously convicted nor a hardened criminal, therefore, bail may kindly be granted to him. She further contended that mere keeping the accused behind the bar would not serve any purpose.
4. On the other hand learned DPG argued that applicant/ accused was found in possession of arms and arrest on the spot therefore, he is not entitled for bail.
5. I have heard the submissions of learned counsel for the applicant as well as learned APG and scanned the available material. Subsection 1(a) of section 23 of the Act deals with situations where one acquires, possesses, carries or controls any firearm or ammunition in contravention of section 3 of the Act (i.e. “license for acquisition and possession of firearms and ammunition”); and whereas, section 24 of the Act provides punishment for possessing

arms or ammunition, licensed or unlicensed, with the aim to use the same for any unlawful purpose and the maximum punishment up to 14 years is provided in section 23(1)(a) and section 24 provides punishment up to 10 years, maximum punishment in the case of recovery of a pistol, which falls within the definition of "arms" in terms of Section 2 of the Act, will be 10 years under section 24 of the Act. In the case at hand all the witnesses are admittedly police officials, and the accused is no more required for further investigation. The learned counsel for the applicant accused contended that investigation has been completed, the matter will proceed before the trial Court, and the applicant is not required for any further investigation. In such circumstances, there is no probability of tampering in the case of the prosecution by the applicant. The guilt or innocence of the applicant is yet to be established as it would depend on the strength and quality of the evidence that will be produced by the prosecution and the defense at the time of the trial.

6. As a result therefore, this bail application is allowed. Applicant Shair Baz son of Muhammad Ilyas is granted bail subject to furnishing solvent surety in the sum of Rs.10,000/- (rupees ten thousand) with P.R bond in the like amount to the satisfaction of Nazir of learned trial Court.

JUDGE