

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**Cr. Bail Applications No.D-72, 74, 75, 76, 79, 80, 81 & 82 of
2025.**

Present:-
Mr. Justice Amjad Ali Sahito.
Mr. Justice Muhammad Osman Ali
Hadi.

Applicants : Through Mr. Riaz Ali Panhwar, Mehtab
Munir Nirban & Mr. Sulleman Dahri,
Advocates.

Respondent : The State through Mr. Nazar Muhammad
Memon, Additional Prosecutor General.

Date of hearing : 18.06.2025.

Date of Decision : 18.06.2025.

ORDER

Amjad Ali Sahito, J:- This single order shall dispose of the
aforementioned Bail Applications. For clarity, the details of the bail
applications filed by the applicants/accused are as follows;

- i. In Bail Application No.D-72 of 2025,
applicant/accused Ameer Bux is seeking post arrest
bail in crime No.50 of 2025 U/s 324, 353, 147, 148,
149 PPC r/w 6/7 ATA of PS Shahdadpur.
- ii. In Bail Application No.D-74 of 2025,
applicants/accused Farooque & Aftab Ahmed are
seeking post arrest bail in crime No.50 of 2025 U/s
324, 353, 147, 148, 149 PPC r/w 6/7 ATA of PS
Shahdadpur.
- iii. In Bail Application No.D-75 of 2025,
applicant/accused Aftab Ahmed is seeking post
arrest bail in crime No.53 of 2025 U/s 24 Sindh
Arms Act-2013 of PS Shahdadpur.

- iv. In Bail Application No.D-76 of 2025, applicant/accused Farooque is seeking post arrest bail in crime No.51 of 2025 U/s 24 Sindh Arms Act-2013 of PS Shahdadpur.
- v. In Bail Application No.D-79 of 2025, applicant/accused Adeel is seeking post arrest bail in crime No.68 of 2025 U/s 24 Sindh Arms Act-2013 of PS Shahdadpur.
- vi. In Bail Application No.D-80 of 2025, applicant/accused Ghulam Ali is seeking post arrest bail in crime No.52 of 2025 U/s 24 Sindh Arms Act-2013 of PS Shahdadpur.
- vii. In Bail Application No.D-81 of 2025, applicants/accused Ghulam Ali, Ghulam Abbas & Adeel are seeking post arrest bail in crime No.50 of 2025 U/s 324, 353, 147, 148, 149 PPC r/w 6/7 ATA of PS Shahdadpur.
- viii. In Bail Application No.D-82 of 2025, applicant/accused Ghulam Abbas is seeking post arrest bail in crime No.69 of 2025 U/s 24 Sindh Arms Act-2013 of PS Shahdadpur.

2. The details and particulars of the FIRs are already available in the bail applications and FIRs, the same could be gathered from the copy of the FIRs attached with such applications, hence, needs not to reproduce the same hereunder.

3. Mr. Riaz Ali Panhwar, learned counsel for the applicants/accused in Bail Applications No.D-72, 79, 80, 81, and 82 of 2025, argued that the applicants/accused are innocent and have been falsely implicated in the instant cases due to longstanding enmity. He further submitted that the applicants/accused have no nexus with the alleged offences and have been maliciously involved in a series of criminal cases at the behest of politically influential individuals. Learned counsel contended that although it is alleged that all the applicants/accused were armed at the time of the incident, not a single member of the police party sustained even a

minor injury. He also pointed out that one Muzaffar has been shown as an accused in FIR No.50 of 2025; however, it is astonishing to note that he was not even present in Pakistan at the time of the alleged incident, as he had traveled to Saudi Arabia for Umrah. Despite this, he has been falsely implicated in the FIR, demonstrating mala fide on the part of the police. Regarding applicant/accused Amir Bux, it was submitted that he was earlier implicated in a false and fabricated case under the Anti-Terrorism Act, bearing Special Case No.02 of 2011, in which he, along with others, was acquitted under Section 265-K, Cr.P.C., by the learned Special Judge, Anti-Terrorism Court, Shaheed Benazirabad @ Nawabshah. The said learned Judge also directed that a copy of the acquittal judgment dated 20.04.2012 be forwarded to the Inspector General of Sindh Police and the Secretary, Home Department, Government of Sindh, Karachi, for initiating appropriate legal action against the concerned police officials. He, therefore, prayed for the grant of bail to the applicants.

4. Mr. Sulleman Dahri, learned counsel for the applicants/accused in Bail Applications No.D-74, 75, and 76 of 2025, adopted the arguments advanced by Mr. Riaz Ali Panhwar, Advocate. He further submitted that the applicants/accused are innocent and have been falsely implicated in the present case due to prior enmity and political vendetta. He also prayed for the grant of bail.

5. Conversely, the learned Additional Prosecutor General strongly opposed the grant of bail, contending that the applicants/accused are specifically nominated in the FIRs, and thus, their bail applications merit dismissal.

6. Arguments heard. Record perused.

7. Upon careful examination of the record, it transpires that although the names of the applicants/accused are mentioned in the FIR, it is an admitted fact that no injury, not even a minor scratch, was sustained by any party involved, including any damage to the police vehicle. Evidently, the allegations levelled against the applicants/accused are general and vague in nature, and the act of firing alleged is stated to be ineffective. Learned counsel for

applicant/accused Amir Bux has placed on record a copy of the order dated 20.04.2012, whereby the said applicant/accused was acquitted under Section 265-K Cr.P.C. in Special Case No.02 of 2011 by the learned Special Judge, Anti-Terrorism Court, Shaheed Benazirabad @ Nawabshah, along with others. Notably, the learned Judge had also directed that a copy of the said acquittal order be sent to the Inspector General of Sindh Police and the Secretary, Home Department, Government of Sindh, Karachi, for initiating strict legal action against the concerned police officials.

8. In view of the circumstances of the case, it appears that the applicability of Section 324, PPC and Section 7 of the Anti-Terrorism Act, 1997, shall be determined during the course of trial. The learned counsel for the applicants/accused has also alleged mala fide on the part of the police and contended that the applicants/accused have been falsely implicated due to prior enmity, asserting their innocence. In support of these contentions, certain judicial orders and judgments from subordinate courts have been annexed. It is also an undisputed position that the alleged incident took place in a populated area; however, the police failed to associate any independent witness from the locality to act as a mashir, as is mandated under the compulsory provisions of Section 103, Cr.P.C. All the prosecution witnesses cited are police officials, and as such, there appears to be no apprehension of tampering with the prosecution evidence. Furthermore, a perusal of the FIR reveals that the offences mentioned therein are prima facie bailable, and the ingredients attracting Section 324, PPC and Sections 6/7 of the ATA, 1997, are yet to be conclusively established through evidence before the learned trial Court. Therefore, the case of the applicants/accused falls within the ambit of further inquiry. It is a well-settled principle of law that at the bail stage, only a tentative assessment of the material on record is required. In view of the above the learned counsel for the applicants/accused has made out case for grant of bail in view of Sub-section (2) of Section 497, Cr.P.C.

9. Resultantly the above mentioned Bail Applications No.D-72, 74, & 81 of 2025 are **allowed** and the applicants/accused are admitted to bail subject to their furnishing solvent surety in the sum

of Rs.100,000/- (Rupees One Lac only) **each** and P.R. bond in the like amount to the satisfaction of learned Trial Court.

10. Reverting to the bail applications arising out of the offence under Section 24 of the Sindh Arms Act. It is observed that the FIRs in the present matters are consequential to the principal FIR bearing Crime No.50 of 2025, in which the applicants/accused have already been granted bail by this Court. The learned counsels for the applicants/accused have made out a case for grant of post-arrest bail to the applicants/accused that was booked in Sindh Arms Act. In view thereof, the applicants/accused are also entitled to the concession of bail in the instant cases arising under Section 24 of the Sindh Arms Act.

11. Resultantly the above mentioned Bail Applications No.D-75, 76, 79, 80 & 82 are **allowed** and the applicants/accused are admitted to bail subject to their furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) **each** and P.R. bond in the like amount to the satisfaction of learned Trial Court.

12. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicants on merits.

JUDGE

JUDGE

Ali.