

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No.D- 45of 2025

Present:- Amjad Ali Bohio &
Ali Haider 'Ada', JJ

Applicant: Afzal alias Malhan through
Mr. Kamran Ahmed Gorar, Advocate

Respondent: State through Aftab Ahmed Shar, APG

Date of hearing: **18.06.2025**

Dated of order: **18.06.2025**

ORDER

Amjad Ali Bohio, J: Applicant/accused Afzal alias Malhan, son of Muhammad Bux, by caste Jamali, seeks post-arrest bail in Crime No.112 of 2025, registered at Police Station A-Section Dadu, for an offence punishable under Section 25 of the Sindh Arms Act, 2013.

2. A bail application was earlier moved on behalf of the applicant before the learned Anti-Terrorism Court, Naushahro Feroze, which was dismissed vide order dated 07.05.2025. Hence, the present post-arrest bail application has been filed before this Court.

3. According to the prosecution's case, on 22.04.2025 at about 2230 hours, the applicant, along with two co-accused, was apprehended by police during a patrol near Qasim Khushik Patrol Pump, Dadu. Upon personal search, an unlicensed 30-bore pistol, allegedly in working condition and loaded with four live rounds was recovered from the applicant. The FIR further alleges that this weapon was used in the commission of an offence reported in main Crime No.107 of 2025 of Police Station A-Section Dadu, registered under Sections 6/7 of the Anti-Terrorism Act (ATA) and various provisions of the Pakistan Penal Code (PPC). Accordingly, a separate case bearing Crime No.112 of 2025 was registered under Section 25 of the Sindh Arms Act, 2013.

4. Learned counsel for the applicant contended that the applicant has been falsely implicated due to political rivalry and prior protests by his community regarding water-related issues, which have resulted in strained relations with the local police. He submitted that the alleged recovery is foisted, as the offence in the main case (Crime No.107/2025) allegedly

took place on 21.04.2025, whereas the recovery in this case was made on 22.04.2025, creating serious doubt regarding continuity of possession of the same weapon. It was further argued that all the recovery witnesses are police officials, and no private mashir was associated in the recovery proceedings, which casts doubt on the credibility of the prosecution's version. Lastly, it was submitted that the applicant has already been granted bail in the main case (Criminal Bail Application No.D-42 of 2025), and he is no longer required for investigation in the present matter.

5. On the other hand, the learned Additional Prosecutor General opposed the bail plea on the ground that an unlicensed firearm has been recovered from the applicant, which constitutes a serious offence and is allegedly connected to a prior act of terrorism.

6. From a tentative assessment of the material available on record, it appears that the case against the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. The absence of any private person in the recovery proceedings, despite the alleged incident occurring in a public place and the fact that all mashirs are subordinate police officials, raises serious questions regarding the transparency and credibility of the alleged recovery. Furthermore, the recovery was made after the occurrence of the main offence, which undermines the alleged continuity of possession and connection between the recovered weapon and the earlier offence.

7. Moreover, the applicant has already been granted bail in the main case bearing Crime No.107 of 2025, vide order dated 18.06.2025 passed in Criminal Bail Application No.D-42 of 2025. As the present case arises from the same set of facts, the principles laid down in *Sajjad Ali Maitlo v. The State* (2022 P Cr. L J Note 74) are applicable, wherein the Court held that if bail has been granted in the principal case, then bail in the offshoot recovery case should also be considered a matter of further inquiry.

8. The applicant is not shown to be previously convicted or a habitual offender. There is no material on record suggesting a likelihood of his absconding or tampering with prosecution evidence. Since the investigation has been completed, his continued custody is no longer necessary for investigative purposes. Prolonged detention before the conclusion of trial would serve no useful purpose.

9. In view of the foregoing, the applicant has made out a case for grant of bail. Consequently, Criminal Bail Application No.D-45 of 2025 is allowed. The applicant, Afzal alias Malhan, son of Muhammad Bux, by caste Jamali, is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs.50,000/- and a P.R. bond in the like amount to the satisfaction of the trial Court.

10. Needless to mention, the observations made herein are tentative in nature and shall not prejudice the case of either party during the trial. Criminal Bail Application No.D-45 of 2025 stands disposed of in the above terms.

11. These are the reasons for the short order dated 18.06.2025.

JUDGE

JUDGE

Naveed Ali