

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Criminal Bail No.S-619 of 2024

Applicant: Ali Gul son of Muhammad Hassan Brohi
Through Mr. Javed Ahmed Soomro, Advocate.

The State: Through Mr. Aitbar Ali Bullo, Deputy Prosecutor
General, Sindh.

Date of hearing: 16.12.2024

Date of Order: 16.12.2024

ORDER

SHAMSUDDIN ABBASI, J.- Through instant criminal bail application, the applicant seeks post-arrest bail in the case emanating from F.I.R No.62/2024, registered at Police Station Lashari for offence punishable under Section 23(1)(a), Sindh Arms Act, 2013, after his bail plea was declined by the learned Additional Sessions Judge, Ratodero vide Order dated 07.10.2024.

2. The brief facts of the prosecution case are that on 22.09.2024 complainant/ASI Ali Raza Ghanghro lodged F.I.R. on behalf of the State, stating therein that he alongwith his subordinate staff was on patrolling when he received information that absconder in Crime No.10/2017, registered at Police Station Dodapur, District Jacobabad for offence under sections 324, 148, 149 P.P.C namely Ali Gul is available at the pointed place, they went there and arrested him alongwith Kalashnikov (K.K). The police prepared mashirnama of arrest and recovery, brought the applicant at police station and lodged F.I.R. to the above extent.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated by the police in this case in order to strengthen the main case and during trial he has been acquitted from the main case emanating from F.I.R. No.10/2017, registered at Police Station Doda Pur,

District Jacobabad for offence punishable under sections 324, 148, 149 P.P.C.; that this is offshoot case and case has been challaned and the applicant is no more required for further investigation. Learned counsel has placed on record copy of Acquittal order alongwith his statement and prayed for grant of bail to the applicant/accused.

4. On the other hand, learned Deputy Prosecutor General, Sindh appearing for the State has opposed the grant of bail to the applicant/accused on the ground that the crime weapon has been recovered from the possession of the applicant; however, he has admitted that present applicant has been acquitted in the main case.

5. Heard learned counsel for the applicant, learned Deputy Prosecutor General, Sindh and perused the material available on record. It is matter of record that the applicant was absconder in F.I.R. No.10/2027, registered at Police Station Dada Pur, District Jacobabad for offence punishable under sections 324, 148, 149 P.P.C and during investigation he was arrested alongwith crime weapon. Learned counsel for the applicant under the cover of his statement has filed copy of the acquittal order of the applicant in the main case. Since this is an offshoot case and case has been challaned and the applicant is no more required for further investigation, therefore, no purpose would be served to keep in behind the bars for an indefinite period.

6. In view of the above, instant criminal bail application is allowed; applicant Ali Gul Brohi is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (*Rupees Fifty Thousands only*) and P.R. Bond in the like amount to the satisfaction of the learned trial Court.

7. The observations made hereinabove are tentative in nature and would not prejudice the case of the either party at trial.

Judge

Manzoor