

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail No.S-338 of 2025

Applicant : Hussain alias Suhrab
s/o Muhammad Khan Leghari
Through Mr. Himath Ali Gadehi, Advocate.

Respondent : The State
Through Mr. Nazeer Ahmed Bhangwar,
Deputy Prosecutor General.

Date of hearing : 14.07.2025

Date of Order : 14.07.2025

ORDER

KHALID HUSSAIN SHAHANI, J.- Through the instant Criminal Bail Application, the applicant Hussain alias Suhrab seeks post-arrest bail in Crime No.133 of 2025, registered at Police Station K.N. Shah under Section 24 of the Sindh Arms Act, 2013. The applicant's earlier application was dismissed by the learned 1st Additional Sessions Judge, Mehar, vide order dated 21.06.2025. He now seeks similar relief from this Court.

2. Briefly stated, the allegations in the connected FIR bearing No. 132 of 2025 are that on 15.06.2025 at about 1315 hours, a police party headed by ASI Munawar Ali Bhurgri, including other police officials, while on patrol duty, received spy information regarding the presence of six armed individuals at Village Sultan Chandio. Upon reaching the location, the police allegedly saw six armed men, including the present applicant, identified as Hussain @ Suhrab, armed with a 30 bore pistol. As per the FIR, while the other co-accused managed to flee, the present applicant was apprehended at the scene. Upon search, a 30 bore pistol in working condition along with a magazine containing three live rounds was allegedly recovered. The applicant was unable to produce a valid

arms license. A separate memo of arrest and recovery was prepared, and subsequently FIR No. 133/2025 was registered under Section 24 of the Sindh Arms Act, 2013.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated and the alleged recovery is fabricated. It was argued that the offence is not punishable with death or life imprisonment and does not fall within the prohibitory clause of Section 497 Cr.P.C. He further submitted that no independent witness was associated during recovery proceedings, in violation of Section 103 Cr.P.C., and both mashirs are subordinate police officials. It was also emphasized that the alleged recovery forms the basis of the main FIR as well as the present FIR, and the applicant has already been granted bail in the connected main case (Crime No. 132/2025) by this Court vide order dated 14.07.2025 in Criminal Bail Application No. S-337/2025.

4. Conversely, the learned Deputy Prosecutor General, Mr. Nazeer Ahmed Bhangwar, has opposed the grant of bail on the ground that the applicant was apprehended red-handed at the scene of occurrence while armed with an unlicensed weapon. He submitted that the recovery of a 30 bore pistol loaded with live bullets is a serious offence affecting public safety, and the weapon was in working condition. He further argued that the arms in question were allegedly in use for purposes connected with preparation to commit dacoity, thereby aggravating the nature of the offence. He emphasized that the recovery was duly witnessed and that the applicant failed to justify possession of the weapon. Therefore, according to him, the applicant does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and have carefully gone through the material available on record.

6. Admittedly, the present FIR is a consequence of the main FIR bearing No. 132 of 2025 under Sections 399 and 402 PPC, in which the applicant has already been admitted to post-arrest bail by this Court. The recovery of the pistol is common to both cases and is not in dispute. While the seriousness of unlicensed weapon possession cannot be undermined, the fact remains that the offence under Section 24 of the Sindh Arms Act, 2013 is not covered by the prohibitory clause of Section 497 Cr.P.C. Moreover, no private mashirs were associated during the recovery proceedings, and both mashirs cited in the case are members of the same police party, thereby raising doubts about the transparency and independent corroboration of the recovery, especially in light of the admitted prior enmity alleged by the applicant. These factors bring the case within the realm of further inquiry within the meaning of Section 497(2) Cr.P.C.

7. In view of the foregoing, the applicant Hussain alias Suhrab is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

8. Needless to observe that the observations made herein are tentative in nature and shall not influence the outcome of the trial in any manner.

J U D G E