

# IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Appln. No. S-641 of 2025

Applicant : Muhammad Akhter Rajput  
Through Mr. Dhanraj, Advocate

Respondent : The State, through Mr. Mansoor Ahmed Shaikh,  
Deputy Prosecutor General

Date of hearing : 18.08.2025  
Date of short order : 18.08.2025  
Reasons recorded : 20.08.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – Applicant Muhammad Akhter Rajput seeks post arrest bail under Section 497 Cr.P.C in a case bearing crime No. 14/2025, offence under Section 324, 353, 402, 399 PPC of P.S Sadhuja. Prior to this, the bail of applicant was declined by the learned Additional Sessions Judge, Moro.

2. Concisely, the facts of the prosecution case are that on 24.06.2025, complainant ASI Ghulam Farooq Lanjar along with his subordinate staff was on patrolling duty, when they received information about four armed persons standing on the eastern side of the road with intent to commit an offence. Upon reaching the pointed place at 0120 hours, an encounter allegedly took place between the police party and the accused persons. During the encounter, the applicant sustained a firearm injury on his leg and was apprehended along with an unlicensed pistol, while his three companions escaped.

3. The learned counsel contended that the applicant is innocent and has been falsely implicated; no encounter took place as alleged; the applicant was illegally arrested for non-payment of bribe; only the applicant received injury while no police official was harmed, making the story suspicious; the case requires further inquiry under Section 497(2) Cr.P.C; section 324 PPC is not applicable as no injury was caused to the complainant party; no independent witnesses were cited in sheer violation of the mandatory provisions of section 103 Cr.P.C.

4. The learned Deputy Prosecutor General opposed the bail application and argued that the applicant was caught red-handed with an unlicensed weapon after an encounter with police.

5. After hearing the learned counsel for the parties and perusal of the record, this Court observes, the alleged offences under Sections 324, 353, 402, 399 PPC do not fall within the prohibitory clause of Section 497 Cr.P.C., as Section 324 PPC provides maximum punishment of seven years imprisonment. The prosecution case raises several questions that require further inquiry as such only the applicant sustained injury during the alleged encounter while all police officials remained unharmed. No independent witnesses were associated with the recovery in violation of Section 103 Cr.P.C. The prosecution case is primarily based on police testimony without independent corroboration. It is a well established principle of law that every accused is presumed innocent until proven guilty through due process of law. Where reasonable doubts exist regarding the prosecution case, the benefit should go to the accused, even at the bail stage.

6. The applicant has no previous criminal record and is not shown to be a habitual or desperate criminal whose release would adversely affect society. Further detention of the applicant will not serve any useful purpose of justice while the credibility of the prosecution case can only be determined after recording proper evidence during trial.

7. In view of the above discussion and considering that the case requires further inquiry under Section 497(2) Cr.P.C., the applicant was already granted bail in a sum of Rs.100,000/- (one hundred thousand rupees) vide short order dated: 18.08.2025 and these are the reasons thereof.

**J U D G E**