

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Bail Appln. No. D-53 of 2025
Cr. Bail Appln. No. D-54 of 2025
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Cr. Bail. Appln. No. D-67 of 2025

Before
Mr. Justice Shamsuddin Abbasi
Mr. Justice Ali Haider 'Ada',

Applicant (in Cr. Bail Appln. No. D-53/2025)	Beera s/o Ramzan Through M/s Muhammad Murad Chachar and Abdul Rehman Bhutto, advocates
Applicant (in Cr. Bail Appln. No. D-54/2025)	Ganj Ali s/o Mehmood Mazari, Through M/s Muhammad Murad Chachar and Abdul Rehman Bhutto, advocates
Applicants (in Cr. Bail Appln. No. D-55/2025)	Ganj Ali s/o Mehmood Mazari and Beera s/o Ramzan Through M/s Muhammad Murad Chachar and Abdul Rehman Bhutto, advocates
Applicant (in Cr. Bail Appln. No. D-67/2025)	Allah Bux @ Mullan s/o Horan Through Mr. Mohsin Ali Khan Pathan, advocate
State	Through Mr. Aitbar Ali Bullo, D.P.G for the State
Date of hearing	01-10-2025
Date of order	01-10-2025

ORDER

Shamsuddin Abbasi, J.- Through this single order, we would like to dispose of captioned four bail applications. Cr. Bail Appln. No. S-53/2025 has been filed by applicant Beera s/o Ramzan in Crime No. 127/2025, registered at Police Station Kashmore for the offence U/S 23(i)(a), 25 Sindh Arms Act. Cr. Bail Appln. No. S-54/2025 has been filed by applicant Ganj Ali s/o Mehboob in Crime No. 126/2025, registered at Police Station Kashmore for the offence U/S 23(i)(a), 25 Sindh Arms Act. Cr. Bail Appln. No. S-55/2025 has been filed by applicants Ganj Ali and Beera in Crime No. 125/2025, registered at Police Station Kashmore for the offence U/S 324, 353, 399, 440, 402, 148, 149 P.P.C, 6/7 ATA,

1997. Cr. Bail Appln. No. S-67/2025 has been filed by applicant Allah Bux @ Mulan s/o Horan in Crime No. 125/2025, registered at Police Station Kashmore for the offence U/S U/S 324, 353, 399, 440, 402, 148, 149 P.P.C, 6/7 ATA, 1997. Their pleas have been dismissed by the learned trial court vide orders dated 29.08.2025 and 17.09.2025.

2. Facts in the impugned orders are depicted as under:-

Brief facts of the case as per FIR lodged by SHO Ziad Ali Noonari on 17.6.2025 at 0230 hours at P.S Karampur alleging therein that on the same date, he alongwith his subordinate staff left P.S in govt vehicle vide roznamcha entry No.25 at 2300 hours for patrolling in the area, during patrolling, when they reached at exchange road, he received spy information that 07 culprits were standing near cattle pirri at Kashmore with intention to commit offence. On receiving such information, they proceeded towards pointed place and reached there at 0100 hours, where they saw on head lights and search lights and identified accused to be 1.Ganj Ali, 2.Beera (applicants/accused), 3.Allah Bux@ Mulan, armed with TT pistols, 4. Yar Ali, 5. Farooq, and two unidentified accused armed with KKs were standing who on seeing complainant/police Cob party, started straight firing upon them with intention to kill, police party also retaliated firing in their defense, such encounter lasted for about 10 minutes and thereafter police succeeded to arrest applicants/accused Ganj Ali and Beera on the spot in injured condition and recovered unlicensed TT pistols from their possession while rest of accused made their escape good. The complainant/SHO prepared such mashir nama of arrest of accused, recovery and then returned at P.S alongwith arrested accused and secured property and lodged FIRs crime with No.125/2025 as well as crime No.126/2025 against applicant/accused Ganj Ali and Crime No. 127/2025 against accused Beera under Arms Act on behalf of State.

3. Learned counsel for applicants contended that applicants are innocent and they have been falsely implicated in this case with mala fide intention due to political victimization in order to show their efficiency; that all the witnesses are police officials and no independent person has been cited as witness of alleged incident.; that there are general allegations against them as none from police side has receive any single scratch and the weapons have been foisted upon them, therefore, the case of applicants/accused requires for further inquiry, hence they may be admitted on post-arrest bail.

4. On the other hand, learned D.P.G for the state has opposed for grant of post-arrest bail on the grounds that applicants/accused are nominated in the FIR as they alongwith other co-accused made straight firing upon police party with intention to kill and deterred them from discharging of their lawful duties, resulting police mobile was damaged and ultimately police arrested two co-accused on the spot and recovered weapons from their possession; that there are sufficient grounds to show that applicants/accused are also involved in the commission of offence, therefore, they are not entitled for concession of post arrest bail and same is liable to be dismissed

5. Heard respective counsel for applicants, learned D.P.G and perused material available on the record.

6. This is a case of police encounter but none has received any scratch **from** police side. Learned counsel for the applicants claimed that applicants Ganj Ali and Beera received fire arm injuries in fake police encounter case. Moreover, all the P.Ws are police officials. Case has been challaned and applicants are no more required for further investigation. Applicability of Section 324 P.P.C requires further enquiry in terms of Section 497(2) Cr.P.C.

7. Accordingly, all the captioned four bail applications are allowed. The applicants in all four bail applications are admitted on post-arrest bail subject to furnishing their solvent sureties in the sum of Rs.50,000/- in each case for each applicant and P.R bonds in the like amount to the satisfaction of learned trial court.

8. The above observation made herein is tentative in nature and would not prejudice the case of either party in trial.

J U D G E

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Abdul Salam/P.A