

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA**

Criminal Bail Application No. S- 444 of 2025.

(Sarfraz Hussain Depar Vs. The State)

Applicant:	Sarfraz Hussain S/o Nabi Bux caste Depar, through Mr. Sher Ali Chandio, Advocate.
The State:	Through, Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh.
Date of hearing:	09.10.2025.
Date of Order:	09.10.2025.

ORDER

Ali Haider 'Ada', J:- Through this application, the applicant seeks post-arrest bail in Crime No.162 of 2025, registered at Police Station Mehar, for an offence punishable under Section 25 of the Sindh Arms Act, 2013. Prior to this, the applicant had approached the learned Additional Sessions Judge-II, Mehar, for similar relief; however, his bail application was dismissed vide order dated 12.06.2025.

2. The brief facts of the prosecution case are that on 20.05.2025, the complainant ASI Imtiaz Ali Solangi along with his subordinates, while on patrol duty, allegedly apprehended the present applicant from Link Road Khondi near the graveyard and recovered from his possession one unlicensed 30-bore pistol with two live bullets, along with a robbed motorcycle reportedly involved in Crime No.160 of 2025, registered under Section 392 PPC, which is the main case. After completion of the usual investigation, the police submitted the challan before the competent Court having jurisdiction.

3. Learned counsel for the applicant contended that the alleged recovery has been shown by the police officials alone, without the association of any independent or private witness from the locality, which renders the recovery doubtful. He further submitted that the applicant has already been granted bail in the main case, i.e., Crime No.160 of 2025, under Section 392 PPC; therefore, the present case, being an offshoot of that main case, stands on the same footing, and the applicant is entitled to the concession of bail.

4. Conversely, learned Deputy Prosecutor General opposed the application and argued that a weapon without a valid license was recovered

from the possession of the applicant, along with the motorcycle involved in the main crime; therefore, the applicant is not entitled to be released on bail at this stage.

5. I have heard the learned counsel for the parties and examined the material available on record with due care.

6. At the outset, it is well-settled that there is no hard and fast rule that mere recovery of a weapon from an accused would automatically disentitle him from the concession of bail. Each case must be examined in light of its own facts and circumstances. Where the available material brings the case within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C, the benefit thereof must go to the accused. It is in this legal context that the present bail application is to be examined.

7. From the perusal of the record, it appears that the entire recovery proceedings were conducted by the complainant/ASI himself without associating any independent witness, despite the fact that the place of incident is situated on a busy road within the city limits. In such circumstances, the prosecution was under an obligation to associate some independent person from the locality to lend credibility to the recovery proceedings; however, no such independent corroboration is available on record and all witnesses cited are police officials, hence there appears no likelihood of tampering with the prosecution evidence. It is also observed that the record is silent as to whether the applicant is a habitual or previous convict. So, in this context, reliance is placed upon the case of **Dilawar v. The State (2023 PCr.L.J 1684)**.

8. Furthermore, the applicant has already been granted bail in the main case, i.e., Crime No.160 of 2025, registered under Section 392 PPC. The present case being a consequential or connected matter arising from the same transaction, the applicant also deserves similar treatment. Reliance is placed upon the case of **Shabir Ahmed v. The State (2023 YLR Note 35 [Sindh])**, wherein it was held that

It is settled principle of law that when an individual/accused gets acquittal from the charge of main case then he should be acquitted from the charge of offshoot/connected case likewise if an accused is granted bail by the trial Court or superior Court(s) in main case then he deserves to be bailed out in connected/ offshoot case. In case of Manjhi v. The State (PLD 1996 Karachi 345), Honourable Bench of this Court while hearing appeal of an appellant in an offshoot case, had observed that when he has been acquitted from the charge of main case then he should be acquitted from the charge of offshoot case. The dicta laid down by this Court in case of Manjhi (Supra), was maintained and followed by learned Bench of Lahore High Court in case of Yasir Chaudhry v. The State (2012 MLD 1315). It will be conducive to

reproduce relevant paragraph of the judgment which reads as under;_

"In the case reported as Manjhi v. The State (PLD 1996 Karachi 345) it has been held that when the accused has been acquitted in the main case, he would become entitled to acquittal in a case which is offshoot of the said case. Same is the position here, as the present lis is an offshoot of the main murder case. So, respectfully following the dictum laid down in the judgment supra, this petition is allowed and the application of the petitioner under section 249-A, Cr. P.C. is accepted and the petitioner is acquitted from the charge in case FIR No.17 of 2003 dated 12.1.2003 registered under section 7 of the Surrender of Illicit Arms Act No.XXI of 1991 with Police Station Civil Lines, Bahawalpur

(emphasised underline)

9. In view of the foregoing reasons and discussion, the applicant is found entitled to the concession of post-arrest bail. Accordingly, the applicant is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a personal bond in the like amount to the satisfaction of the learned trial Court. Needless to mention, the observations made hereinabove are tentative in nature and shall not prejudice or influence the learned trial Court, which shall decide the case strictly on its own merits and in accordance with the evidence and material that may be brought on record during trial.

J U D G E

S.Ashfaq/-