

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2914 of 2025

Applicants : Nisar Amro and 2 others, through Mr. Liaquat Ali Jamari, Advocate.
Respondent : The State, through Ms. Rubina Qadir, D.P.G.
Date of Hearing : 14.11.2025
Date of Order : 14.11.2025

—

ORDER

TASNEEM SULTANA, J: Through this Criminal Bail Application, the applicants seek pre-arrest bail in Crime No.317 of 2025 under Section-324, 353, 34 PPC registered at Police Station Sujawal. Earlier same relief was granted by the Additional Sessions Judge-II, Sujawal but was recalled vide order dated 04.10.2025.

2. Brief facts of the prosecution case, as set out in the FIR, are that on 22.08.2025, complainant PI Zulfiqar Ali, In-charge PP Bello, along with PCs Zakaullah and Abdul Razaque, left the police station for patrolling in government vehicle No.SPE-929 vide roznamcha entry No.13 at 1500 hours. During patrolling, when they reached Sujawal Chuhar Road near Chandia Stop, they received spy information that a white Toyota Corolla bearing registration No.BRU-177 had fallen off the road near Amra Stop due to a tyre burst and that contraband was lying inside the vehicle, while three armed persons were guarding the vehicle. Upon reaching the pointed place at about 1630 hours, the police party allegedly saw three persons present there as (1) Fayaz Ali (2) Nisar (3) Shahzad @ Mama. On seeing the police, the accused allegedly opened straight fire with intent to commit their murder. The police alighted from their vehicle and made aerial fire in self-defence, which continued for 2/3 minutes, after which the accused escaped towards the nearby jungle while firing. The police then inspected the vehicle and found 10 white sacks containing 5500 puries of mava gutka in its rear trunk. From the place of incident, 5 fired bullets of TT pistol and 8 fired bullets of SMG were secured and sealed separately. Due to the unavailability of private mashirs, the mashirnama of recovery was prepared in the presence of PCs Zakaullah and Abdul Razaque. The police thereafter

returned to the police station and lodged the FIR on behalf of the State.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated in this case with malafide intention; that the names of the applicants have been shown in this case by the police due to political rivalry; that all the sections mentioned in the FIR have been misapplied by the police by the police as neither complainant nor any police person was injured even did not receive single scratch; that no specific role has been assigned to the applicants/accused; that all the PWs are subordinate to the complainant as such there is no chance of tempering with the evidence; that if such incident of exchange of firing between the accused, the general public must have attracted towards the alleged place of incident to witness, but no private mashir has been associated by the police, therefore, the case of applicants/accused is one of further enquiry under section-497(2) Cr.P.C.

4. Conversely, learned D.P.G. opposed the plea and argued that the applicants are nominated in the FIR and there are other cases pending against them and they are habitual offenders, therefore, they are not entitled for concession of bail.

5. Heard. Record perused.

6. From the perusal of the FIR, it reflects that the applicants/accused are alleged to have made straight fires upon the police party; it is an admitted position that no police official received even a minor injury. This aspect, prima facie, creates doubt about the manner of occurrence particularly when the allegations of firing with intent to commit murder, in the absence of any injury or damage to the police vehicle, requires deeper appreciation at the trial.

7. Furthermore, the entire case rests upon the statements of police officials who are admittedly subordinates of the complainant. No independent person from the locality was associated as mashir at the time of alleged recovery, although the incident is said to have taken place at a public road where availability of private persons cannot be ruled out. Non-association of private mashirs, though not fatal at this stage, does cast doubt requiring further inquiry within the meaning of Section 497(2), Cr.P.C. In this regard, reliance is

placed upon case of Muhammad Tanveer v. The State and another (PLD 2017 SC 733), wherein it has been observed as follows:-

“Once the Court has held in categorical terms that grant of bail in offences not falling within the prohibitory clause of Section 497, Cr.P.C. shall be a rule and refusal shall be an exception, then the Courts of the country should follow the same principle in its true letter and spirit because consistency in law declared by the Court ensures the rule of law and confidence of Courts throughout the country including the Special Tribunals and Special Courts.”

8. For the foregoing reasons, the interim pre-arrest bail granted to the applicants vide order dated 23.10.2025 was confirmed on the same terms and conditions by a short order dated 14.11.2025, and these are the reasons for the same.

9. The applicants shall continue to attend the trial Court regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail in accordance with law. The observations made herein are tentative in nature and shall not prejudice either party at trial.

JUDGE

Ayaz Gul