

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2639 of 2025

Akbar Masood son of Shoukat alias Shahzad.....Applicant/Accused

Versus

The State.....Respondent

Date of Hearing : 29.10.2025

Date of Short Order : 29.10.2025

For the Applicant : M/s. Liaquat Ali and Shafique
Ahmed, Advocates.

For the State : Mr. Zahoor Shah, Additional P.G.

ORDER

TASNEEM SULTANA, J: Through this criminal bail before arrest application, the applicant Akbar Masood son of Shoukat alias Shahzad seeks post-arrest bail in Crime No.778 of 2025 registered at Police Station Surjani Town, under Sections 147/148/149/324/353 PPC. Earlier his bail plea was declined by the learned IIIrd Additional Sessions Judge Karachi West vide order dated 20.09.2025.

2. Brief facts of the case as per the contents of the FIR are that ASI Noman Shaikh, Incharge Chowki Khuda Ki Basti, Surjani Town, Karachi, received information from a spy informer that wanted accused Shafiq Pathan and his companions, involved in Crime No.752/2025 under Sections 353, 324, and 34 PPC, were present near Government School, Sector 35-B, Lyari Taiser Town, Karachi. Acting upon the information, the complainant along with other police officials proceeded to the pointed place, where they found the nominated accused, including the present applicant Akbar son of Shahzad Mehsood. When the police party attempted to apprehend them, the accused persons allegedly opened fire on the police with intent to kill. The police retaliated in self-defence, resulting in an encounter. Meanwhile, some local residents (10-12 persons) armed with sticks allegedly intervened, assaulted the police party, and tore the uniform of ASI Zafar. The complainant and other officials sustained minor injuries. Subsequently, the police recovered three empties of 30-bore and two empties of 9mm pistols from the spot and

seized the torn uniform shirt of ASI Zafar as case property. Consequently, the present FIR was lodged.

3. Learned counsel for the applicant contended that the present case has been falsely implicated with malafide intention; that the applicant is neither accomplice of main accused Shafiq Pathan nor he has any concern with him or he was present at the alleged place of incident, but later on he was falsely implicated due to enmity; that no specific role has been assigned to the applicant of any beating or causing any firing; that neither applicant was arrested on spot nor any arm was recovered from his possession; that all witnesses are police personnel; that inspite of alleged police encounter and fining by accused person, no police man sustained any bullet injury; that the investigation has been completed and applicant is in jail custody and not required for further investigation and that the applicant is ready to face the trial, therefore, he deserves the concession of bail.

4. Conversely, learned Additional PG opposed the grant of bail; contending that the accused is nominated in the contents of FIR; that the applicant deterred police officials in discharge of their official duty and assaulted due to which complainant sustained injuries at the hands of applicant/accused, therefore, does not warrant any leniency at the stage of bail.

5. Heard. Record perused.

6. From perusal of the record, it appears that though the applicant has been nominated in the FIR, but no specific role of causing firing or inflicting injury upon any police official has been assigned to him. It further reflects that recovery of incriminating article or weapon has not been effected from the possession of the applicant. All the prosecution witnesses are police officials and no independent person from the locality has been cited as a witness of the alleged encounter or the alleged assault upon police party.

7. Further, despite the allegation of direct firing upon police officials, the record does not show that any of the police personnel received firearm injury, which creates doubt as to the manner of alleged occurrence. The applicant has remained in custody, the investigation has been completed, and he is no longer required for further investigation. The offences with which the applicant stands

charged, though non-bailable, do not fall within the prohibitory clause of Section 497 Cr.P.C. to the extent of the allegations attributed to him. 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. In view of the above facts and circumstances, applicant/accused was granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of the trial Court, by a short order dated 29.10.2025 and these are the reasons for the same.

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

JUDGE

Ayaz Gul