

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Bail Appl.No.642 of 2026

Date	Order with signature of the Judge
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Present:

**Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Khalid Hussain Shahani.**

SawanVs. The State
01.04.2026.

Mr. Javed Ahmed Shar Advocate for applicant
Ms. Rubina Qadir, DPG. a/w Saeed Jafri, I.O. P.S. Malir City.

ORDER

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MUHAMMAD IQBAL KALHORO J: Applicant was arrested on 04.02.2026 by a police team of P.S. Malir City, Karachi headed by SIP Muhammad Younus, from Lal Shah Graveyard Mazar, Lasi Goth, Malir Karachi alongwith co-accused on suspicion and from him 620 grams of Charas was recovered, and from co-accused 510 grams of Charas was recovered, hence they were booked in FIR bearing Cr. No.88/2026 U/s 9(1) 3(b), Sindh, CNS Act, 2025 of P.S. Malir City, Karachi.

2. Learned counsel in defence has pleaded for bail on the ground that applicant is first offender; video recording of the incident in compliance of section 17(2) CNS Act Sindh has not been done; the investigation is complete; Challan has been submitted and the alleged offence does not fall within prohibitory clause of section 497(1) Cr.P.C.

3. On the other hand, learned D.P.G. has opposed the bail. I.O. is present and submits that video recording was carried out by complainant but despite his writing a letter to him, he did not hand it over and therefore, has not been made a part of prosecution case. However, when we confronted him the fact that it is nowhere mentioned in the Challan, he has no answer.

4. We have considered arguments of the parties and perused material available on record. In the facts and circumstances, since there is no record available that applicant has a previous history of his involvement in criminal cases and the video recording prima facie has not been done, we find the case of applicant to be of further inquiry and grant him bail subject to his furnishing a solvent surety in the sum of Rs.200,000/- and P.R bond in the like amount to the satisfaction of the trial court.

5. However, we direct the SSP Malir to conduct inquiry against I.O. as to why he has failed to procure an important piece of evidence i.e. video recording

of incident from complainant and make it a part of the prosecution case. Such inquiry report shall be submitted within three weeks without fail for a perusal in Chamber. However, if report is not submitted, the office shall issue notice to SSP Malir for his explanation.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The Cr. Bail Application is disposed of.

JUDGE

JUDGE

A.K