

# IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

## Criminal Bail application No.S-1402 of 2025

**Applicant** : Ghulam Mehdi s/o Qurban Ali through Mr. Ghulamullah Chang, advocate.

**Respondent** : The State, through Ms. Rameshan Oad, Assistant Prosecutor General, Sindh, along with ASI Anwar Ali Khan PS Tando Ghulam Ali.

**Date of hearing** : **08.01.2026**

**Date of order** : **08.01.2026**

### ORDER

**TASNEEM SULTANA, J.-** Through this Criminal Bail Application, the applicant Ghulam Mehdi, seeks post arrest bail in Crime No.168 of 2025 registered at Police Station Tando Ghulam Ali, District Badin, under sections 324, 353, 34, PPC.

2. Brief facts of the prosecution case, as reflected in the FIR is that on 12.10.2025, at about 2130 hours, the complainant ASI Muhammad Rafique Bhurgri along with police staff was on patrolling duty when, during snap checking at Zardari Road near Chakar Shakh, a white Mehran car was signalled to stop. It is alleged that four persons alighted from the vehicle and made straight firing upon the police party with intention to kill, whereupon the police fired in defence. Two persons allegedly succeeded in fleeing away, whereas the present applicant along with co-accused Imtiaz Ali was apprehended at the spot. From the personal search of co-accused Imtiaz Ali, a 30-bore pistol with live bullets and cash amounting to Rs.4,00,000/- was allegedly recovered, whereas nothing incriminating was recovered from the present applicant, except worn clothes. On the basis of these allegations, the present case was registered.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated; that no recovery whatsoever has been effected from his possession; that the alleged role assigned to the applicant is vague and non-specific; that the entire incident is an off-shoot of another FIR bearing Crime No.167 of 2025 under section 395, PPC; that the FIR in the present case is delayed; that despite alleged exchange of firing, no injury has been received by any person, nor has any independent witness been associated, despite the alleged occurrence having taken place on a public road; and that the applicant was, in fact, taken away earlier, regarding which an application was moved by his

father to the SHO prior to registration of the FIR; that the case calls for further inquiry and the applicant is entitled to bail as a matter of right.

4. Conversely, learned APG opposed the application on the ground that the applicant was apprehended at the spot along with co-accused; that the incident involves assault upon police officials during discharge of official duty; and that the offence is serious in nature.

5. Heard learned counsel for the parties and perused the record with their assistance.

6. It is evident from the record that the alleged recovery of pistol and cash has not been affected from the present applicant, but from co-accused Imtiaz Ali. No injury has been attributed to or shown to have been caused by the present applicant. Despite the allegation of straight firing by the accused persons and return fire by the police, neither any injury has been reported nor any damage, except a purported mark on the police vehicle, has been shown to have occurred. The incident is alleged to have taken place at a public road, yet no independent mashir has been associated, which aspect requires deeper examination at trial. The FIR also reflects a time gap between the alleged incident and its registration, which has not been plausibly explained at this stage. Moreover, the role assigned to the present applicant is that of presence at the spot, without attribution of any specific overt act or recovery. Whether such presence alone is sufficient to connect him with the alleged offence is a matter requiring further inquiry. The investigation has progressed, challan has been submitted, and nothing has been shown to suggest that the applicant is required for further investigation or that his release would prejudice the prosecution case.

7. In these circumstances, without touching the merits of the case in detail, the material presently available raises a question of further inquiry within the meaning of section 497(2), Cr.P.C., entitling the applicant to the concession of bail.

8. Accordingly, vide my short order dated 08.01.2026 the applicant was admitted to bail, subject to furnishing solvent surety in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the learned trial Court. He shall attend the trial regularly and shall not misuse the concession of bail. These are the reasons in support thereof.

9. It is clarified that the observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

**JUDGE**