

THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Present:

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Riazat Ali Sahar

Criminal Bail Application No.D-112 of 2026

Criminal Bail Application No.D-148 of 2026

Criminal Bail Application No.D-271 of 2026

Applicant(s): Hyder Ali @ Ali Hyder [Criminal Bail Application No.D-112 of 2026] through Mr. Meer Ahmed Mangrio, Advocate.
Abdul Raheem Khoso [Criminal Bail Application No.D-148 of 2026] through Mr. Irfan Khaskheli, Advocate.
Younis Chang @ Azad [Criminal Bail Application No.D-271 of 2026] through M/s. Ghulamullah Chang and Shahed Mirbahar, Advocates.

Respondent: The State through Ms. Rameshan Oad, D.P.G. Sindh.

Date of hearing: 25.08.2026.

Date of order: 25.08.2026.

ORDER

RIAZAT ALI SAHAR, J: - By this common order, we intend to dispose of Criminal Bail Application No.D-112 of 2026 filed by applicant/accused Hyder Ali alias Ali Hyder, Criminal Bail Application No.D-148 of 2026 filed by applicant/accused Abdul Raheem Khoso and Criminal Bail Application No.D-271 of 2026 filed by applicant/accused Younis Chang alias Azaad, as all three applications arise out of one and the same Crime No.04 of 2025 registered at Police Station CTD Hyderabad, for offences under Sections 324, 353, 427 PPC, Sections 6/7 of the Anti-Terrorism Act, 1997 and Sections 4/5 of the Explosive Substances Act, 1908. The applications of Hyder Ali and Abdul Raheem were dismissed by the learned Anti-Terrorism Court, Hyderabad, through common order dated 10.03.2026, whereas the earlier bail application of Younis Chang was dismissed by the learned Special Judge, Anti-Terrorism Court, Hyderabad, vide order dated 23.06.2026. The applicants seek post-arrest bail.

2. The prosecution case, as unfolded in the FIR, is that on 16.04.2025 at about 2300 hours, complainant SIP Liaqat Ali Shah, along with police officials, was on patrol duty when, near Super Highway,

Loonikot/Jamshoro, he allegedly received spy information that six persons belonging to the banned organization SRA were present near Raiti Dikka with an intention to cause damage to vehicles and commit terrorism. The police party proceeded to the pointed place and allegedly saw six persons standing with motorcycles. According to the FIR, applicant Younis Chang was identified by the police party and allegedly called upon co-accused Faraz Chandio to fire upon the police and also asked Ali Hyder to start the motorcycles and flee. Faraz Chandio allegedly fired towards the police vehicle, which was hit, where after the police party allegedly retaliated. It is further alleged that Younis Chang escaped on a motorcycle along with Faraz Chandio, while Hyder Ali allegedly threw a hand grenade on the ground and escaped along with three unidentified persons.

3. After the alleged accused had escaped, the police claimed recovery from the place of occurrence of one hand grenade, a bag allegedly left by Younis Chang containing four petrol bombs, approximately 125 grams of suspected explosive material and a detonator, besides a wallet allegedly belonging to Faraz Chandio containing another detonator and photographs. Spent shells of different weapons were also allegedly collected from the spot. The recoveries were witnessed by police officials, namely PC Fareed Ahmed and PC Sharfuddin, as no private person was associated.

4. So far as Abdul Raheem Khoso is concerned, the material reproduced in the FIR and the impugned order does not disclose any distinct overt act or any recovery from his personal possession. His implication is thus required to be examined against the general prosecution allegation and the material collected during investigation. The record further shows that the applicants were not arrested at the spot and no incriminating article was recovered from their respective physical possession. Hyder Ali and Younis Chang were arrested on 12.06.2025, whereas Abdul Raheem Khoso was shown arrested on 29.10.2025 while he was already confined in connection with another case.

5. Learned counsel for applicant Hyder Ali contended that the applicant has been falsely implicated; that he was allegedly taken away by police prior to registration of the FIR and that his mother approached this Court through Constitutional Petition No.D-618 of 2025 concerning his disappearance; that he was thereafter shown arrested in the present

case after a considerable delay. He contended that the applicant is a juvenile, aged about 17 years and a student of SSC-I; that no specific allegation of firing is attributed to him and the only allegation is that he threw a hand grenade and escaped; that no recovery was made from his personal possession; that the alleged identification was made at night in the light of police vehicles and no identification parade was conducted; that despite the alleged exchange of fire, no police official sustained a firearm injury; that the FIR was lodged after a delay for which no satisfactory explanation has been furnished; that all witnesses are police officials and no independent witness was associated; and that investigation has been completed and the applicant is no longer required for investigation.

6. Learned counsel for applicant Abdul Raheem Khoso contended that the applicant is innocent and has been implicated due to previous enmity and *mala fide* on the part of the police; that he was allegedly taken into custody in September 2025 and his family approached this Court through a constitutional petition; that he was subsequently shown arrested in the present case in order to justify his detention; that there is no specific recovery from him and no independent witness supports the prosecution version; that the alleged firing story is doubtful as no injury was caused to any member of the police party; and that investigation has already been completed. He further contended that the applicant has no previous conviction or established connection with any terrorist organization.

7. Learned counsel for applicant Younis Chang adopted the plea of false implication and contended that prior to registration of the FIR the applicant had allegedly been taken into custody by law-enforcement agencies, in respect whereof Constitutional Petition No.D-615 of 2025 was instituted. He contended that the alleged encounter is surrounded by circumstances requiring further probe, particularly the absence of any firearm injury to the police party despite the alleged exchange of firing; that no independent person was associated with the alleged recovery; that the recoveries were effected from the place of occurrence after the accused had allegedly escaped and not from the applicant's personal possession; that no independent forensic or other material sufficiently links the applicant with the recovered articles; that the precise role attributed to him and the applicability of the provisions

of the Anti-Terrorism Act require further examination; and that investigation has been completed.

8. Conversely, learned D.P.G. Sindh appearing for the State opposed the grant of bail and supported the impugned orders. She contended that the applicants are specifically nominated in the FIR; that the allegations relate to firing upon the police party and recovery of hand grenade, petrol bombs, explosive material, detonators and spent shells from the place of occurrence; that the offences are grave and fall within the prohibitory clause of Section 497(1), Cr.P.C.; as such, the applicants do not deserve for concession of bail.

9. We have heard the learned counsel for the applicants and the learned D.P.G. for the State and have examined the available material with their assistance.

10. At the bail stage, the Court is required to make only a tentative assessment of the material and is not expected to undertake a deeper appreciation of evidence. At the same time, the mere seriousness of the allegation, nomination in the FIR or invocation of special penal provisions does not dispense with the statutory requirement of examining whether there are reasonable grounds for believing that the accused has committed the offence or whether the circumstances bring his case within the ambit of further inquiry contemplated by Section 497(2), Cr.P.C. In the present case, the prosecution undoubtedly alleges a serious occurrence involving firing upon the police party and recovery of explosive articles from the place of occurrence. However, while considering the individual cases of the applicants, their respective roles and the nature of the available connecting material cannot be ignored. The prosecution itself does not allege that any of the three applicants was apprehended at the spot. Nor is any incriminating article shown to have been recovered from the personal or exclusive possession of any of them. The alleged explosive articles were recovered from the place where the accused persons had allegedly escaped. Such recovery may constitute a relevant circumstance, but at the bail stage it cannot, without further connecting material, automatically be treated as recovery from each individual accused.

11. The case of applicant Hyder Ali also requires consideration in the light of the specific allegation attributed to him. According to the FIR, he allegedly threw a hand grenade on the ground and escaped; no

allegation of firing is specifically attributed to him. The alleged hand grenade was subsequently recovered from the ground after the accused persons had escaped and not from his personal possession. The learned counsel has also placed before the Court the circumstance of the constitutional petition concerning his alleged disappearance prior to his formal arrest in the present crime, as well as his asserted juvenile status. We are not recording any final finding either regarding the alleged illegal detention or the correctness of the documents concerning age; nevertheless, these circumstances, coupled with the absence of personal recovery and the limited specific role attributed to him, are relevant at the present stage in determining whether the case calls for further inquiry. As regards Abdul Raheem Khoso, the position is even more significant for purposes of bail. The prosecution material reproduced in the FIR does not attribute to him a distinct overt act of firing, throwing the hand grenade, carrying any explosive article, or making any particular recovery from his possession. His implication has therefore to be assessed on the basis of the subsequent material collected during investigation. Mere nomination, particularly when the prosecution story itself assigns specific acts to other identified accused persons, cannot by itself be treated as conclusive of the existence of reasonable grounds within the meaning of Section 497(1), Cr.P.C. The circumstances of his alleged detention prior to formal arrest, coupled with the fact that he was shown arrested on 29.10.2025 while already confined in another case, are also circumstances which require examination at trial and, at this stage, cannot be brushed aside altogether. While in the case of Younis Chang, the prosecution attributes a more specific role to him that he allegedly called upon Faraz Chandio to fire upon the police and thereafter escaped on a motorcycle. Even so, the alleged firing was attributed to Faraz Chandio, while the explosive articles relied upon by the prosecution were recovered from the place of occurrence after the accused persons had allegedly escaped. No such article is shown to have been recovered from the personal possession of Younis Chang. The bag allegedly associated with him was admittedly found at the place of occurrence. The defence has also relied upon the constitutional petition concerning his alleged disappearance/custody prior to registration of the FIR. The existence of such proceedings does not, at this stage, establish illegal detention or fabrication of the FIR; however, it does constitute a circumstance which warrants examination of the prosecution narrative during trial.

12. It is alleged that the applicants exchanged firing. The prosecution version is that the police party consisted of a substantial number of armed officials, equipped with official weapons and bulletproof jackets and that firing was made upon them with an intention to kill, striking the police vehicle. Yet, according to the material placed before us, no police official sustained a firearm injury. At the same time, the alleged accused persons, despite being confronted by an armed police party, allegedly succeeded in escaping under cover of darkness. These circumstances may ultimately be explained by evidence at trial; however, at the present stage they cannot be completely ignored and require corroboration when the individual liability of each applicant is being tentatively assessed. Furthermore, the recovery witnesses are police officials. We are conscious that evidence of a police official cannot be discarded merely because of his official status. Nevertheless, where the alleged occurrence and recovery constitute substantial connecting circumstances, the absence of independent corroboration, particularly when no incriminating article was recovered from the personal possession of the applicants, assumes relevance for purposes of further inquiry. The evidentiary value, forensic linkage, ownership and connection of the recovered articles with each individual applicant are matters which can properly be determined after recording evidence at trial.

13. More so, the learned State counsel has relied upon the gravity of the allegations, the nomination of the applicants and the prohibitory clause of Section 497(1), Cr.P.C. These considerations are undoubtedly relevant; however, they are not by themselves sufficient to defeat a case falling within Section 497 (2), Cr.P.C. Likewise, the applicability of Sections 6/7 of the Anti-Terrorism Act, 1997 requires examination with reference to the particular role and material against each accused. Mere invocation of the provisions of the Anti-Terrorism Act does not eliminate the requirement of tentative judicial scrutiny as to whether the material presently available connects the individual accused with the ingredients of the alleged offence. We may clarify that our observations regarding the alleged prior detention, the absence of personal recovery, the circumstances of the alleged encounter, the absence of firearm injury to the police party, the alleged recoveries and the respective roles of the applicants are all tentative and are confined strictly to the question of bail. We are not expressing any final opinion upon the truthfulness of the prosecution case, the legality of the alleged

detention, the evidentiary value of the constitutional petitions or documents, or the ultimate guilt or innocence of any applicant.

14. For what has been discussed above, we are of the tentative view that the applicants have succeeded in bringing their cases within the ambit of further inquiry under Section 497 (2), Cr.P.C. The fact that investigation has already been completed and the applicants are no longer required for further investigation also weighs in their favour. Consequently, the captioned Criminal Bail Applications are **allowed**. The applicants/accused Hyder Ali alias Ali Hyder, Abdul Raheem Khoso and Younis Chang alias Azaad are admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) each and P.R. bond in the like amount to the satisfaction of the learned Trial Court.

15. The observations made herein are tentative in nature and shall not prejudice either party at the trial. The learned Trial Court shall decide the case strictly on the basis of evidence brought before it and in accordance with law.

16. These are the reasons for our short orders dated 25.08.2026, whereby the applicants/accused were admitted to post-arrest bail.

JUDGE

JUDGE