

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-67 of 2026
Criminal Bail Application No.S-73 of 2026

Applicant: Shah Nawaz Son of Moledino Chandio (in both bail applications) through Mr. Zaheer Ahmed Bhatti, Advocate.

Respondent: The State through Mr. Irfan Ali Talpur, D.P.G.

Date of hearing: 23.02.2026

Date of order: 23.02.2026

O R D E R

Riazat Ali Sahar, J. These criminal bail applications arise out of two separate FIRs; the main case bearing Crime No.382 of 2025 registered under Sections 324 and 353 PPC, and an off-shoot case bearing FIR No.383 of 2025 registered under Section 25 of the Sindh Arms Act, 2013 which have been registered at Police Station A-Section, Dadu while common question of law is involved therein, therefore, the listed bail applications are being decided together through this single order. The earlier bail applications of the applicant were rejected by the learned trial Court vide two separate orders of even date i.e., 08.01.2026

2. It is alleged by the prosecution that on 23.12.2025 at about 0430 hours, the applicant, along with his unknown companions, was found at the place of incident while armed. The accused persons, presuming the police vehicle to be a private vehicle, signaled it to stop. Thereupon, the police after disclosing identity directed them to surrender; however, instead of complying, they allegedly opened fire upon the police party and also obstructed them in the discharge of their official duties. In retaliation and in self-defence, the police party returned fire. During the alleged encounter, the present

applicant/accused sustained injury to his right leg, purportedly caused by one of his companions, who managed to flee from the scene by taking advantage of the darkness. After the encounter, the police arrested the applicant in an injured condition and allegedly recovered from his possession a .30 bore pistol without a magazine.

3. Learned counsel for the applicant contended that as per prosecution story, the alleged encounter between the police and the accused party lasted for about three minutes; however, none of the police officials sustained even a scratch, which, according to him, does not appeal to a prudent mind. It is further argued that the alleged place of incident is a busy public link road leading to several villages; yet, the prosecution failed to associate any independent witness from the locality, which creates doubt regarding the occurrence of the alleged incident. Learned counsel further submitted that the allegation of ineffective firing attributed to the applicant, in the absence of any injury or demonstrated intention, does not satisfy the essential ingredients of Section 324 PPC. Even otherwise, it is well settled that mere firing without causing injury or without proof of intention to commit qatl-i-amd, does not ipso facto attract the provisions of Section 324 PPC, the applicability whereof is yet to be determined at trial after recording evidence.

4. Conversely, learned D.P.G. submits that the applicant/accused is nominated in the FIR with a specific role, as he was allegedly found present at the place of occurrence along with his co-accused, and they opened fire upon the police party in order to prevent them from discharging their lawful duties. Therefore, according to him, Section 324 PPC has rightly been applied in the given circumstances. He prayed for dismissal of the instant Criminal Bail Application.

5. Heard learned counsel for the parties and perused the record.

6. This appears to be a case of ineffective firing allegedly made by the accused party, including the present applicant. Although it is alleged that the encounter lasted for about three minutes, no injury was sustained by any police official, whereas the applicant was arrested in an injured condition. Such aspects require determination

at trial. The guilt or otherwise of the applicant is yet to be established. The investigation has already been completed; therefore, the custodial interrogation of the applicant is no longer required. Liberty of a person cannot be curtailed without lawful justification or as a form of pre-conviction punishment, and the applicant has remained behind the bar since the date of his arrest viz.23.12.2025. All the prosecution witnesses are police officials, and no effort appears to have been made to associate any independent witness from the locality. In such circumstances, there is hardly any likelihood of tampering with the prosecution evidence. The further incarceration of the applicant is not likely to serve any useful purpose, particularly when the allegations levelled in the FIR are yet to be proved at trial. As regards the alleged recovery of a pistol, whether the same was actually recovered from the possession of the applicant or not is a matter of further inquiry and same is to be determined during trial and calls for further inquiry. At this pre-trial stage, prolonged detention of the applicant would amount to punishment before conviction, which is neither envisaged by law nor consonant with the settled principles governing bail, particularly where the case warrants deeper examination at trial.

7. In view of the foregoing, *prima facie*, the applicant succeeded in making out case(s) for **further inquiry**, as contemplated under **Sub-Section (2) of Section 497 of the Code of Criminal Procedure (Cr.P.C.)**. Consequently, the instant **Criminal Bail Applications** were **allowed** in terms of my **short order dated 23.02.2026**. These are the reasons for the same.

8. Before parting, it needs not to make clarification that the observations recorded above are tentative in nature, therefore, the trial Court shall not be influenced in any manner whatsoever.

JUDGE