

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1372 of 2026

Applicant : Muhammad Umar
son of Banaras Khan
through Mr. Siraj Khan Afridi,
Advocate

The State : Through Mr. Sharafuddin Kanhar,
Assistant Prosecutor General, Sindh

Date of hearing : 04.06.2026.

Date of decision : 04.06.2026.

ORDER

Jan Ali Junejo, J.- Applicant Muhammad Umar S/o. Banaras Khan seeks post-arrest bail in a case bearing Crime No. 31/2026, for offence under section 23(i)A SAA of P.S CTD. Karachi. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-VII, Karachi East, which was declined vide order dated 22.04.2026.

2. Precisely relevant facts of the case in nutshell are that on 06.04.2026, complainant SI Rafaqat Shah received spy information that one person is about to deliver illegal weapons near Islamia College and on such information, he alongwith other police officials left the P.S and reached at the pointed place and at about 0230 hours, one person was walking while hanging one bag on his right shoulder and on pointation, complainant alongwith other police officials apprehended him and on inquiry he disclosed his name Muhammad Umar S/O Banaras Khan and on checking his bag, brown color, 'TOLES' mentioned on it, and on searching one Kalashnikov, close butt, black & brown color, number 1975YY5500 alongwith empty magazine and one 09 MM pistol, black color, number ZAC-935 alongwith magazine, on left side of which 'Austria Glock 19' was mentioned and one 30 bore pistol, without number, alongwith magazine, and on left side of its body 'CALL 30 made as china norinco', was mentioned; were recovered from the bag. On his further search, from right pocket of his wearing qameez, cash of Rs. 3,000/-, original CNIC, and one mobile phone Infinix was recovered. On demand,

he could not produce valid licenses of arms recovered from his possession. Hence this FIR.

3. Learned counsel for the applicant contends that the applicant is a respectable, law-abiding citizen, a tailor by profession, and has been falsely implicated in the present case due to mala fide intentions and ulterior motives of the police. He further contends that the prosecution case is based solely upon uncorroborated spy information, which does not constitute substantive evidence unless supported by independent and reliable material. He further argues that no incriminating article was recovered from the possession of the applicant and that the alleged recovery is false, foisted, and fabricated, as the applicant was allegedly taken into custody two days prior to the registration of the FIR. Learned counsel submits that no private or independent witness was associated with the alleged recovery despite their availability, in violation of the mandatory provisions of Section 103 Cr.P.C., thereby rendering the prosecution story doubtful. He further contends that the learned Trial Court misdirected itself by placing undue reliance upon the statements of police officials, treating the alleged recovery as conclusive proof at the bail stage, and failing to appreciate that only a tentative assessment of the material is required. Learned counsel argues that the findings regarding the absence of mala fide on the part of the police and the existence of a strong prima facie case are premature and unsupported by the available record. He submits that the alleged offence, though falling within the ambit of the Sindh Arms Act, 2013, carries a maximum punishment of ten years and the case is one of further inquiry within the meaning of Section 497(2) Cr.P.C., owing to serious doubts, contradictions, and procedural irregularities, including the absence of independent witnesses, disputed recovery, and sole reliance on police testimony. He further submits that the applicant has no previous criminal record, is no longer required for investigation, has deep roots in society, and there is no likelihood of his absconding or tampering with the prosecution evidence. Lastly, he contends that the impugned order dated 22.04.2026 suffers from misreading and non-reading of the material available on record and is contrary to the settled principles of criminal jurisprudence that bail is the rule and jail is the exception; therefore, the applicant is entitled to the concession of bail. In support of his contentions he relied on a case of *Shah Ghulam Vs. the State* reported in SBLR 2024 Sindh 822.

4. Conversely, the learned Additional Prosecutor General has opposed the grant of bail, contending that the recovery of an unlicensed Kalashnikov, one 09 MM pistol and one 30 bore pistol from the applicant's

possession constitutes a serious offence under Section 23(i)(a) of the Sindh Arms Act, 2013, which falls within the prohibitory clause of Section 497 Cr.P.C. He contended that the applicant failed to provide any valid license or justification for such possession. He further argued that the absence of independent witnesses is not sufficient to undermine the prosecution case at the bail stage, and the available evidence sufficiently connects the accused to the offence, which does not warrant further inquiry, therefore, the applicant/accused is not entitled to the concession of bail.

5. I have heard learned counsel for the applicant, learned APG for the state and have gone through the material available on record with their able assistance.

6. It is pertinent to note that the bail application of the applicant/accused was earlier dismissed by the learned Additional Sessions Judge-VII, Karachi East on merits. The said dismissal was not a mere procedural rejection but was based on a detailed assessment of the facts and evidence placed before the trial Court.

7. The facts on record disclose that the applicant/accused was apprehended on the basis of credible spy information received by the complainant party led by SI Razaqat Shah. The recovery of Kalashnikov, one 09 MM pistol and one 30 bore pistol, unlicensed from his possession, was effected on the spot. Such mashirnama was prepared on the spot in the presence of witnesses which ensure the authenticity and sanctity of the process.

8. The prosecution has collected sufficient material to connect the accused with the alleged offence. The eyewitnesses and other prosecution witnesses have fully implicated the applicant/accused in their statements under Section 161 Cr.P.C. These statements, which remain uncontroverted at this stage, hold significant evidentiary value. Further, the forensic science laboratory report corroborates the prosecution's version by providing positive scientific evidence supporting the recovery of the said arms from the applicant/accused.

9. The offence under Section 23(i)(a) of the Sindh Arms Act, 2013 is of serious nature, involving possession of unlicensed arms. Such offences attract the prohibitory clause of Section 497 Cr.P.C., which ordinarily bars the grant of bail unless exceptional circumstances are shown. No such

exceptional circumstances, sufficient to override the statutory bar, have been proved by the applicant. The offence for which the applicant is allegedly involved is increasing day-to-day and due to such law and order situation is disturbed in the area from which applicant is arrested.

10. The contention of learned counsel regarding non-association of independent witnesses under Section 103 Cr.P.C. is not fatal at this juncture.

11. In view of the above, this Court finds no ground to interfere with the earlier order of the trial Court declining bail to the applicant/accused. The serious nature of the offence, positive recovery on credible information, corroborated evidence including forensic reports, and statutory prohibition on bail weigh heavily against the grant of bail. Accordingly, the instant bail application is hereby dismissed. It is further clarified that the observations made herein are confined solely to the adjudication of this bail application and shall not prejudice or influence the merits of the case during the trial proceedings.

JUDGE