

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2052 of 2026

a/w

Criminal Bail Application No. 2051 of 2026

Applicant : Abdul Rafay
[in both Cr.B.As] son of Malik Sajjad
Through Mr. Shahzad Ishaque, advocate

The State : The State:
Through Ms. Najma Latif Golo
A. P. G. Sindh

Date of hearing : 28.09.2026.

Date of Order : 28.09.2026.

ORDER

Jan Ali Junejo, J:-- By this common order, I intend to dispose of both the bail applications filed by the applicant, who is seeking post-arrest bail in Crime Nos.477/2026 U/s 324/353/34 PPC and 478/2025 U/s 23(i)A SAA, 2013 of PS Khawaja Ajmair Nagri, after his bail pleas have been declined by learned Additional Sessions Judge-II, Karachi Central vide joint order dated 27.06.2026.

2. Precisely relevant facts of the prosecution case, as unfolded in the instant FIR are complainant ASI alongwith PCs Tayyab Ahmed, Ehsan Mughal, Rehmanullah and Muhammad Shah, Shaheen Force personnel, was on patrolling duty at about 12:30 p.m. when, near a street of Khursheed Begum Park, Sector 5-A/3, North Karachi, they noticed a person riding a motorcycle and signaled him to stop; however, he accelerated the motorcycle and fired upon the police party, lost control and fell down, whereafter he was apprehended with the assistance of the police personnel. On inquiry, he disclosed his name as Abdul Rafay son of Malik Sajjad. During his personal search, one 30-bore pistol along with a loaded magazine containing two live rounds, one black-coloured, iTel mobile phone and one metallic-grey Infinix mobile phone were allegedly recovered from his possession. The motorcycle bearing registration No. KOU-0025, Suzuki GS-150, black in colour, Engine No. PKG-3006700, was also taken into police custody and was found to be the case property of FIR No.476/2026 registered under Sections 392/397 PPC. The accused

sustained an injury to his head and was consequently shifted to Abbasi Shaheed Hospital through Edhi Ambulance. According to the prosecution, the aforesaid acts constituted offences punishable under Sections 353, 324 and 34 PPC read with Section 23(1)(a) of the Sindh Arms Act, 2013, hence, these FIRs.

3. Learned counsel for the Applicant contended that the Applicant is innocent and has been falsely implicated in the present case by the police due to ulterior motives and mala fide intentions, merely to demonstrate their efficiency before their superior officers. He argued that the contents of the FIR itself show that, although an encounter and alleged firing took place, no person from the prosecution side, police party or any passerby sustained any firearm injury, despite the alleged place of occurrence being a thickly populated area, thereby creating reasonable doubt and rendering the applicability of Section 324 PPC a matter requiring further inquiry. Learned counsel further submitted that the Applicant was in fact picked up by the police and illegally detained before being shown arrested in the present case, which further casts serious doubt upon the prosecution story. He maintained that there are no reasonable grounds for believing that the Applicant is guilty of the alleged offences and that nothing incriminating was recovered from his possession connecting him with the alleged occurrence. It was further argued that the prosecution did not associate any private or independent person as a witness despite the alleged occurrence having taken place in a populated locality, which also detracts from the prosecution version. Learned counsel, therefore, submitted that the aforesaid circumstances, taken cumulatively, make the case one of further inquiry within the meaning of Section 497(2), Cr.P.C., entitling the Applicant to the concession of bail. He lastly submitted that the Applicant is ready and willing to furnish solvent surety to the satisfaction of the Court and prayed that the bail application be allowed; therefore, prayed that the applicant may be admitted to bail.

4. Conversely, the learned APG opposes the bail application. She submits that the applicant is involved in a heinous offence and from his possession robbed articles has been recovered; that sufficient evidence is available with the prosecution to connect the applicant with the

commission of alleged offence; hence, he is not entitled to the concession of bail.

5. I have heard the learned counsel for the parties and have carefully examined the material available on record, including the contents of the FIRs and the impugned order passed by the learned trial Court.

6. The allegations against the Applicant are specific in nature. As per the prosecution case, while the police party was on patrolling duty, the Applicant, on being signaled to stop, allegedly accelerated the motorcycle and fired upon the police party, thereafter lost control and fell down. He was apprehended at the spot and a 30-bore pistol along with a loaded magazine containing two live rounds was allegedly recovered from his possession. The recovery of the firearm and ammunition, coupled with the ocular account furnished by the police officials who allegedly witnessed the occurrence, constitutes incriminating material requiring due consideration at the stage of bail.

7. The contention that no member of the police party or any passerby sustained firearm injury does not, by itself, demolish the prosecution case at this stage. For attracting the relevant provisions, the question whether the alleged act of firing was actually committed and in what circumstances is a matter to be determined after recording of evidence. The absence of a firearm injury may be a circumstance to be considered at trial, but it cannot, in the facts and circumstances of the present case, be treated as sufficient by itself to bring the case within the ambit of further inquiry. Likewise, the argument regarding the alleged ineffectiveness of the firing involves appreciation of evidence which cannot appropriately be undertaken in depth at the stage of deciding post-arrest bail.

8. The plea that the Applicant was earlier picked up by the police and subsequently shown arrested in the present case is also a disputed question of fact. No convincing material has been brought on record at this stage to substantiate such plea so as to displace the prosecution version regarding his apprehension at the place of occurrence. On the contrary, the prosecution case is that the Applicant was apprehended immediately after he allegedly accelerated the motorcycle, fired upon the

police party and fell down, whereafter the firearm and ammunition were recovered from his personal possession. Such recovery, if ultimately proved through evidence, would provide a direct incriminating circumstance against him.

9. It is also noteworthy that the motorcycle allegedly recovered from the Applicant was found to be the case property of Crime No.476/2026 registered under Sections 392/397 PPC. This circumstance provides an additional incriminating link requiring proper investigation and determination at trial. The Applicant's assertion that nothing was recovered from his possession is, therefore, contrary to the prosecution material presently available on record, according to which a 30-bore pistol with loaded magazine containing two live rounds was recovered from him.

10. The offences alleged in both FIRs are serious in nature and the material presently available on record provides reasonable grounds connecting the Applicant with the alleged occurrence. At this stage, this Court is not required to conduct a deeper appreciation of the evidence or determine whether the prosecution will ultimately succeed at trial. The defence pleas raised by learned counsel for the Applicant require determination upon recording and appraisal of evidence and, therefore, cannot be treated as sufficient grounds for extending the concession of further inquiry under Section 497(2), Cr.P.C.

11. In view of the foregoing discussion, I am of the considered view that the Applicant has failed to point out any material contradiction, legal infirmity or circumstance which would bring his case within the ambit of further inquiry. The prosecution has placed sufficient incriminating material on record, including the alleged recovery of firearm and ammunition from the Applicant and the alleged recovery of a motorcycle stated to be case property of another robbery case. Consequently, the Applicant does not qualify for the concession of post-arrest bail at this stage. Both the bail applications are, accordingly, **dismissed**. The observations made herein are tentative in nature and shall not prejudice the learned trial Court while deciding the case on its merits.

JUDGE