

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1076 of 2025

Applicant : Nizamuddin son of Moosa Khan,
Through Hafiz Abdul Rahim Abid, Advocate

Respondent : The State
through Ms. Rahat Ahsan Addl. P.G. Sindh

Date of short order : 14.05.2025

Date of reasons : 22.05.2025

REASONS

KHALID HUSSAIN SHAHANI, J. Applicant, Nizamuddin, seeks post-arrest bail in a case bearing crime No.1030/2024 registered at Police Station SSHIA, Karachi, for an offence under Section 23(1)(a) of the Sindh Arms Act, 2013. The application arises out of the bail rejection order dated 08.03.2025, passed by the learned Additional Sessions Judge-IV, Malir.

2. According to the contents of the FIR, the applicant was apprehended by police officials of PS SSHIA and allegedly found in possession of three (03) live 9mm rounds. On this basis, the present FIR was registered. Subsequent to registration, investigation was completed and the challan has been submitted before the competent court.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated due to mala fide intentions of the complainant. It was emphasized that only three live rounds were allegedly recovered from the applicant and no firearm or weapon was found in his possession. It was argued that possession of ammunition alone, without recovery of a corresponding weapon, is doubtful and raises questions regarding the veracity of the prosecution case. Furthermore, the alleged offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C. It was also contended that no independent person was associated as mashir at the time of arrest and recovery, which is in stark violation of the mandate of Section 103 Cr.P.C. Lastly, it was submitted that the applicant has no prior criminal record and deserves the concession of bail.

4. On the other hand, learned Additional Prosecutor General for the State opposed the grant of bail. He argued that possession of even live ammunition without lawful authority is an offence under the Sindh Arms Act and is punishable under the law. He submitted that recovery of live rounds, even in the absence of a weapon, constitutes sufficient grounds to maintain the charge under Section 23(1)(a) of the Act. He, however, conceded that the challan has been submitted, investigation is complete, and the applicant is no longer required for further investigation. He also did not dispute that the case does not fall within the prohibitory clause of Section 497 Cr.P.C.

5. The prosecution case rests on recovery of three 9mm live rounds allegedly found in possession of the applicant. No firearm or weapon has been recovered from the applicant which could render the possession of such ammunition operational. The applicability of Section 23(1)(a) of the Sindh Arms Act, in such a context, may ultimately depend on whether the possession was with criminal intent or otherwise unauthorized, which is a matter to be determined at trial.

6. It is well-settled that where reasonable doubt arises at the bail stage regarding the applicability of the charged offence or the sufficiency of evidence, and where the offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C, bail is to be considered a rule and refusal an exception. Additionally, the investigation stands concluded, the challan has been submitted, and the applicant is no longer required for custodial interrogation. His continued detention, in the circumstances, would serve no useful purpose.

7. In view of the foregoing, and for the reasons recorded above, the applicant was admitted to bail vide short order dated 14.05.2025, subject to furnishing a solvent surety in the sum of Rs.30,000/- (Rupees Thirty Thousands only) and a personal bond in the like amount to the satisfaction of the learned trial Court.

J U D G E