

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Bail Application No.S-325 of 2025.

DATE OF HEARING ORDER WITH SIGNATURE OF HON’BLE JUDGE

- 1.For orders on office objection as flag A.
- 2.For hearing of bail application.

07.7.2025.

Mr. Ashique Ali Jatoi, advocate for the applicant.
Mr. Nazeer Ahmed Bhangwar, D.P.G.

ORDER

KHALID HUSSAIN SHAHANI-J.:- Applicant Aamir Ali seeks post arrest bail in a case bearingcrime No.143 of 2025, registered at Police Station Kamber City for offence under Section 24 of the Sindh Arms Act, 2023. The applicant’s earlier bail plea was dismissed by the learned Sessions Judge, Kamber Shahdadkot, vide order dated 05.06.2025.

2. The allegation against the applicant is that he was found in possession of an unlicensed T.T. pistol with live rounds, allegedly used in the commission of the primary offence registered vide Crime No.140 of 2025 at the same police station under Sections 401, 353, 324, and 34 PPC. The present FIR appears to be an offshoot of that main crime. The applicant was already in custody in another case (Crime No.142 of 2025 under the Sindh Arms Act) when he was shown arrested in the instant FIR.

3. Learned counsel for the applicant contends that the alleged recovery of the weapon was foisted upon the applicant subsequent to his arrest in the preceding case, primarily to strengthen the prosecution’s narrative in the main case. It is asserted that the applicant was already in

custody and no recovery was affected from him at the time of his arrest. Furthermore, it is submitted that in the main case arising out of Crime No.140/2025, the applicant has already been admitted to bail by this Court. Learned counsel argues that the story narrated by the prosecution is highly doubtful and lacks corroboration, especially when no injuries were sustained by any party during the alleged encounter that reportedly lasted for several minutes.

4. Conversely, the learned Deputy Prosecutor General has opposed the grant of bail on the ground that the applicant is a nominated accused in the main case and that the weapon allegedly used by him was recovered, forming the basis for the present FIR.

5. I have heard the learned counsel for the parties and perused the record with their able assistance.

6. Admittedly, the alleged recovery was not made contemporaneously with the arrest of the applicant, and no independent witnesses have been cited to support the recovery. The applicant was already in custody when the present FIR was registered. The weapon alleged to have been used in the main offence appears to have been linked to the applicant through subsequent police assertions, casting doubt on the spontaneity and credibility of the recovery. It is settled law that where the recovery is doubtful and the accused has already been granted bail in the primary case, the matter calls for further inquiry within the contemplation of Section 497(2) Cr.P.C.

7. Reliance may be placed on the judgments of the Hon'ble Supreme Court in *Zia Ullah v. The State* (2021 SCMR 1405) and *Tariq Bashir v. The State* (PLD 1995 SC 34), wherein it was held that if the case of the accused falls within the domain of further inquiry, then bail cannot be

withheld as a form of punishment. Moreover, in *Riaz Jafar Natiq v. The State* (2011 SCMR 1708), the Hon'ble Court emphasized that where the accused is no longer required for investigation and the trial has not commenced, his continued incarceration serves no fruitful purpose.

8. In the present matter, the case has been challaned, the applicant is no more required for investigation, and the trial is yet to begin. Therefore, the continued detention of the applicant would amount to pre-trial punishment, which is not the object of the criminal justice system.

9. In light of the above facts and circumstances, coupled with the principle of *further inquiry* and the grant of bail to the applicant in the main offence, a case for post-arrest bail is made out. Accordingly, the applicant Aamir Ali is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. It is, however, clarified that the observations made hereinabove are tentative in nature and shall not prejudice the merits of the case during the trial.

JUDGE