

ORDER SHEET

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

1ST Cr. Bail Appln.No.S- 370 of 2025.

DATE OF HEARING ORDER WITH SIGNATURE OF HON’BLE JUDGE

- 1.For orders on M.A No.3331/2025.
- 2.For orders on office objection as flag A.
- 3.For orders on M.A No.3332/2025.
- 4.For hearing of main case.

10.7.2025.

Mr.Muhammad Ali A. Pirzada, advocate for the applicant.

Mr. Nazeer Ahmed Bangwar, D.P.G.

ORDER

KHALID HUSAIN SHAHANI .-J Through this criminal bail application, the applicant Ghulam Yaseen seeks post-arrest bail in a case bearing crime No.79 of 2025, registered at Police Station Naseerabad, for offences punishable under Sections 353, 324, 399, 402, 147, 148, and 149 PPC. The applicant’s earlier plea for bail was declined by the learned trial Court vide order dated 04.07.2025.

2. Briefly, the prosecution alleges that on 29.06.2025, at about 2100 hours, a police patrol received spy information regarding the presence of five armed suspects near Leghari Wah on Naseerabad Dhamrah Road. Upon reaching the spot, the police allegedly observed three individuals, including the present applicant, armed with pistols. It is further alleged that the accused resorted to firing upon the police party, which was returned in self-defense. The exchange of fire reportedly continued for four minutes; however, no injuries were sustained by either side, nor was any public or official property damaged. One co-accused, Rehan, was

apprehended at the scene with a weapon, while the others allegedly escaped. A memo of arrest and recovery was prepared at the scene in the presence of mashirs PC Gada Hussain and PC Talib Hussain. Thereafter, the FIR was registered accordingly.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated due to a prior grudge harbored by the police, following the applicant's filing of an application under Sections 22-A & B Cr.P.C. It is argued that no specific injury or damage is attributed to the applicant and that the allegation of firing is general in nature. Despite the alleged four-minute exchange, there is no evidence of injury or vehicular damage, which casts serious doubt on the application of Sections 324 and 353 PPC. It is further submitted that the non-association of private mashirs at the time of alleged arrest and recovery constitutes a violation of the mandatory provisions of Section 103 Cr.P.C. Learned counsel also pointed out that the FIR appears to be a counterblast to the application previously filed by the applicant. Accordingly, it is urged that the case against the applicant requires further inquiry.

4. On the other hand, the learned Deputy Prosecutor General has opposed the grant of bail on the pretext that the applicant was nominated in the FIR and was observed firing at a police party while armed with a pistol.

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

6. It is an admitted position that no injury was caused to any police official nor was any vehicle damaged during the alleged four-minute exchange of fire. This raises serious doubt regarding the actual occurrence of the alleged encounter. Moreover, the non-association of

any private witnesses, despite the claimed spy information, shakes the credibility of the prosecution's version and constitutes a clear violation of Section 103 Cr.P.C. Furthermore, the role attributed to the applicant is limited to ineffective firing and no specific overt act resulting in harm to life or property has been established. The allegations are vague and generalized, and their veracity cannot be tested at the bail stage without a deeper appreciation of evidence. The applicability of Sections 324, 353, 399, and 402 PPC, under the attending circumstances, appears doubtful and shall be determined at trial. These factors collectively bring the case within the scope of further inquiry as envisaged under Section 497(2) Cr.P.C.

7. In view of the above, the applicant Ghulam Yaseen is admitted to post-arrest bail, subject to his furnishing a solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

8. It is clarified that the observations made herein are tentative in nature and shall not prejudice the merits of the case at the stage of trial.

JUDGE