

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA

Criminal Bail Appln. No. S-124 of 2024

Applicant	Abdul Aziz s/o Abdul Rehman Golato, Through M/s Mohammad Afzal Jagirani and Saeed Ahmed B. Bijarani, advocates
The State	Through Mr. Khalil Ahmed Mettlo, D.P.G

Date of hearing: 22-04-2024

Date of Judgment: 22-04-2024

SHAMSUDDIN ABBASI, J.- Through instant criminal bail application the applicant/accused Abdul Aziz s/o Abdul Rehman Golato seeks post-arrest bail in Crime No.03/2024, registered at Police Station Rasaldar, for the offence U/S 23(i)(a) Sindh arms Act, 2013, after rejection of his bail plea by the learned trial court vide order dated 20.02.2024.

2. The facts of the prosecution case are that on 04.02.2024 complainant/A.S.I. Ahsan Ahmed arrested the applicant/accused in main crime No.01/2024, for the offence U/s 337-H(ii), 147, 148, 149 P.P.C. along with unregistered Klashnikov and took the said Klashnikov in his possession, thereafter registered the case.

3. Learned counsel for the applicant/accused has mainly contended that the applicant/accused has been acquitted by the learned trial court in main case; that lesser punishment provided for the alleged offence is three years and it is well settled law that lesser punishment is to be considered for grant of bail. Lastly he has prayed for grant of post-arrest bail.

4. On the other hand, learned Deputy Prosecutor General has recorded his no objection for grant of bail on the ground that applicant/accused has been acquitted in main case and prayed for grant of bail.

5. Heard learned counsel for the applicant, learned Deputy Prosecutor General and perused the material available on the record.

6. It is matter of record that applicant has been acquitted by the learned trial court in main case bearing Crime No.01/2024 for the offence U/s 337-H(ii), 147, 148, 149 P.P.C, registered at P.S. Rasaldar and present case is off shot case of said main case. Maximum punishment for the alleged offence is 14 years and not below three years. It is well settled preposition of law that while deciding bail matters, the minimum punishment is to be considered. This view has already been taken by this Court in the case of Shehzore and another v. The State reported in **2006 YLR 3167**, that for the purpose of bail lesser sentence is to be considered.

7. In view of above, it appears that learned counsel for the applicant/accused has made out a case for grant of post-arrest bail in view of subsection (2) of Section 497 Cr.P.C.

8. Accordingly, instant criminal bail application is allowed. The applicant/accused is admitted on post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand) and P.R bond in the like amount to the satisfaction of trial court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial court while deciding the case of either party at trial.

J U D G E

Abdul Salam/P.A