

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Bail Appln. No. D-58 of 2025
Cr. Bail Appln. No. D-57 of 2025
Cr. Bail. Appln. No. D-59 of 2025

Before
Mr. Justice Shamsuddin Abbasi
Mr. Justice Ali Haider 'Ada',

Applicants (in Cr. Bail Appln. No. D-58/2025)	Abdul Shakoor s/o Mehrab Gabol Ali Bux s/o Shah Muhammad Gabol Through Mr. Habibullah G. Ghour, advocate
Applicant (in Cr. Bail Appln. No. D-57/2025)	Ali Bux s/o Shah Mohammad Gabol Through Mr. Mr. Habibullah G. Ghour, advocate
Applicants (in Cr. Bail Appln. No. D-59/2025)	Abdul Shakoor s/o Mehrab Gabol Through Mr. Habibullah G. Ghour, advocate
State	Through Mr. Aitbar Ali Bullo, D.P.G for the State
Date of hearing	07-10-2025
Date of order	07-10-2025

ORDER

Shamsuddin Abbasi, J.- Through this single order, we would like to dispose of captioned three bail applications. Cr. Bail Appln. No. D-58/2025 has been filed by applicants Abdul Shakoor and Ali Bux in Crime No. 347/2024, registered at Police Station A-Section Kandhkot for the offence U/S 324, 353, 216-A, 148, 149 P.P.C, 23(i)(a)(d) 25 Sindh Arms Act and 6/7 ATA. Cr. Bail Appln. No. D-57/2025 has been filed by applicant Ali Bux s/o Shah Muhammad Gabol in Crime No. 354/2024, registered at Police Station A-Section Kandhkot for the offence U/S 23(i)(a)(d), 25 Sindh Arms Act. Cr. Bail Appln. No. D-59/2025 has been filed by applicant Abdul Shakoor s/o Mehrab in Crime No. 352/2024, registered at Police Station A-Section Kandhkot for the offence U/S 23(i)(a)(d), 25 Sindh Arms Act. Their pleas have been dismissed by the learned trial court vide orders dated 03.05.2025.

2. Facts of the prosecution are mentioned in the impugned orders, which are depicted as under:-

"On 08.12.2024 at 0930 hours, ASI Kaleemullah Chandio of Police Station A-Section Kandhkot lodged multiple FIRs following an intelligence-based operation. Acting on confidential information regarding the movement of a gang supplying arms and ammunition from KPK to the Sindh katcha area for terrorist activities, the police party conducted a naka bandi at Haibat Road near Mahmmdani curve. At approximately 0530 hours, a suspicious truck bearing registration No. C-1188 approached from the northern side. Upon being signaled to stop, the vehicle halted at a distance, and seven armed individuals carrying Kalashnikovs (KKs), TT pistols, and an M-4 rifle. When the police attempted to inspect the vehicle, the suspects opened fire with intent to kill. The police retaliated in self-defense, and after a brief exchange lasting about ten minutes, the suspects surrendered due to exhaustion of ammunition. The accused were apprehended on the spot. The complainant appointed mashirs HC Ali Murad and PC Mohammad Asad. The accused were identified as Abdul Qadir, Awais Ahmed, Mujahid, Shahmir armed with K.K, Abdul Shakoor, Farman Ali armed with T.T pistols, Ali Bux armed with M-4 rifle. Police found huge ammunition from the accused. None of the accused could produce valid licenses for the recovered arms and ammunition. They confessed that the consignment was intended for delivery to dacoits operating in the katcha area. All recovered items were sealed, and mashirnamas of arrest and recovery were prepared. The police returned to the station with the accused, weapons, and vehicle, and registered separate F.I.Rs. against the accused.

3. Learned counsel for applicants contended that applicants are innocent and they have been falsely implicated in this case with mala fide intention in order to show their efficiency as all the P.Ws are police officials who are interested and no independent person has been cited; that the applicants/accused were arrested on 07.12.2024 by the police from Al-Madina hotel and involved in this case; that there are general allegations against them as none from police side has received any single injury and the weapons have been foisted upon them, therefore, the case of applicants/accused requires for further inquiry, hence they may be admitted on post-arrest bail.

4. On the other hand, learned D.P.G for the state has opposed for grant of post-arrest bail on the grounds that applicants/accused are nominated in the FIR as they alongwith other co-accused made straight firing upon police party with intention to kill and deterred them from discharging of their lawful duties; that applicants/accused along with co-accused were transporting the huge quantity of arms and ammunition to katcha area to facilitate the notorious

criminals in order to crate terrorism, during which complainant party reached at the spot, the accused started straight firing upon them with intention to kill and deterred them **from** discharging of their lawful duties and ultimately police succeeded to arrest all the accused including applicants/accused on the spot and recovered huge quantity of arms and ammunition; that there are sufficient grounds to show that applicants/accused are also involved in the commission of offence, therefore, they are not entitled for concession of post arrest bail and same is liable to be dismissed.

5. Heard learned counsel for applicants, learned D.P.G and perused material available on the record.

6. This is a case of police encounter but none **from** either side has received any scratch or injury though both the sides were armed with sophisticated weapons and the alleged encounter continued for ten minutes. Case has been challaned; all prosecution witnesses are official witnesses and question of tempering with the evidence does not arise. Applicants are behind the bars since their arrest, they are no more required for further investigation. Applicability of Section 324 P.P.C requires further enquiry in terms of Section 497(2) Cr.P.C.

7. As far recovery of crime weapons **from** the possession of applicants is concerned, it is a matter of record that huge quantity of arms and ammunition were recovered **from** possession of co-accused Abdul Qadir Abro, Awais Ahmed Abro and Shahmir Sabzoi and only T.T pistol was recovered **from** the possession of applicant Abdul Shakoor with empty magazine and a rifle was recovered **from** the possession of applicant Ali Bux with empty magazine, no private mashir has been cited and offence of alleged recovery would be determined at the time of trial.

8. Accordingly, all the captioned three bail applications are allowed. The applicants in all four bail applications are admitted on post-arrest bail subject to furnishing their solvent sureties in the sum of Rs.100,000/- (one hundred thousand) in each case for each applicant and P.R bonds in the like amount to the satisfaction of learned trial court.

9. The above observation made herein is tentative in nature and would not prejudice the case of either party in trial.

J U D G E

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Abdul Salam/P.A