

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Applications No. 1177, 1227 and 1688 of 2025

Present:

**Acting Chief Justice Zafar Ahmed Rajput
Justice Miran Muhammad Shah**

Applicant (In Cr. Bail No. 1177 of 2025)	:	Sibghatullah @ Armani s/o. Abdul Hameed, through Ms. Farzana Mateen, Advocate.
Applicant (In Cr. Bail No. 1227 of 2025)	:	Talat Iqbal @ Pappu s/o. Ahmed Zaman, through M/s. Muhammad Imran Meo, Advocate.
Applicant (In Cr. Bail No. 1688 of 2025)	:	Sheeraz Ghulam Sarwar s/o. Ghulam Sarwar, through Syed Makhdoom Javed Hussain, Advocate.
Respondent	:	The State, through Mr. Mumtaz Ali Shah Assistant Prosecutor General (“APG”) alongwith Mr. Rana Khalid Hussain, Special Prosecutor Pak Rangers.
Date of hearing	:	30.09.2025
Date of order	:	30.09.2025

ORDER

ZAFAR AHMED RAJPUT, ACJ. - By this common order, we intend to dispose of the above listed three Crl. Bail Applications, as the same being arisen out of same Crime/FIR No.66 of 2022, registered at P.S. Mehmoodabad, Karachi-East under sections 302, 109 and 34, PPC read with section 7 of the Anti-Terrorism Act, 1997 (**Act**), have been heard by us together.

2. Through the listed Criminal Bail Applications, the applicants/accused, named-above, seek post-arrest bail in the aforesaid crime. Their earlier applications for the same relief, filed in Special Case No.08/2024, were dismissed by the Anti-Terrorism Court No. XII, Karachi (**Trial Court**), vide order dated 03.05.2025.

3. Briefly stated facts of the case are that, on 02.03.2022 complainant Shahid Ghani lodged the aforesaid FIR alleging therein that, on 01.03.2022, he was present in his showroom when at about 4:30 p.m. he received a call from his home informing that an incident of firing had taken place in his workshop

where his brother Zahid Ghani received firearm injuries, whereupon he called Imran, an employee of the workshop, who disclosed that two persons came in the workshop and made firing on Zahid Ghani, causing him injuries; he was shifted to Jinah Hospital, where he succumbed to injuries.

4. Ms. Farzana Mateen, learned counsel representing applicant Sibghatullah @ Armani has contended that the applicant is innocent and he has been falsely implicated in this case; that the name of the applicant or his description are not mentioned in the FIR; that no identification parade of the applicant through witnesses named in the FIR has been held before any Judicial Magistrate; that the applicant has been arrested in the alleged offence on the basis of statement of arrested co-accused, which is inadmissible under Articles 38 & 39 of the Qanun-e-Shahadat Order, 1984 (**Order, 1984**); that the applicant was apprehended by the Law Enforcement Agency from his house; on 23.05.2022, his brother filed C.P. No. D-3136/2022 and on the direction of this Court, FIR No.298/2022 under section 365, PPC was lodged at P.S. Sohrab Goth Karachi; later police shown his arrest; that the applicant is behind the bars since May 2022, and his trial has not been concluded; as such, he is entitled to the concession of bail.

5. Mr. Muhammad Imran Meo, learned counsel appearing for applicant Talat Iqbal @ Pappu, while adopting the arguments advanced by Ms. Farzana Mateen, has further submitted that the applicant was arrested on 04.03.2022 by the Law Enforcement Agency on his returning to home from duty, whereafter his father filed application to the SHO, P.S. Defence and S.P. Baldia, Karachi on 10.03.2022 and 16.03.2022, respectively, but with no fruitful result; however, on 06.12.2022, custody of the applicant was handed over to the police of P.S. Shah Latif Town, Karachi, which implicated him in false FIR No. 1400 2022 registered under section 4/5 of the Explosive Substance Act r/w. section 6 & 7 of the Act of 1997; in FIR No. 121/ 2022 registered under section 11-N of the Act of 1997 at P.S. CTD, Karachi and in the instant case, whereas, in the former two cases, the applicant has been granted bail by the Trial Court; that the IO produced the applicant before the Judicial Magistrate for

identification parade on 17.01.2023 i.e. after about 11 days of his arrest; that the applicant is behind the bars for more than two years and five months; however, the trial of the case has not been concluded; as such, he is entitled to the concession of bail.

6. Syed Makhdoom Javed Hussain, learned counsel for applicant Sheeraz Ghulam Sarwar, while reiterating the submissions advanced by other learned counsel, has further argued that applicant was implicated in FIRs No. 1400 of 2022, registered under section 4/5 of the Explosive Substance Act r/w. section 6 & 7 of the Act of 1997 at P.S. Shah Latif Town, Karachi, FIR No. 121 of 2022 registered under section 11-H, 11-N, 21-I 4/5 of the Act of 1997 at P.S. CTD, Karachi and subsequently in the instant case; that the applicant has been granted bail by the learned Anti-Terrorism Court No. XII, Karachi vide orders dated 03.08.2024 and 12.08.2024, passed in Special Cases No. 75 and 132 of 2023, arising out of FIR No. 1400 and 121 of 2022, respectively; that the applicant has been arrested in the alleged offence on the basis of statement of arrested co-accused, which is inadmissible under Articles 38 & 39 of the Order, 1984; that the applicant is behind the bars from date of his arrest; however, the trial of the case has not been concluded; as such, he is entitled to the concession of bail.

7. Conversely, learned APG and Special Prosecutor, Pak Rangers have opposed these applications for grant of bail to the applicants on the grounds that sufficient evidence is available with the prosecution to connect them with the commission of alleged offence; hence, they are not entitled to the concession of bail.

8. Heard, record perused.

9. It appears from the perusal of the record that the applicants are confined in judicial custody since the day of their arrest and the challan has already been submitted; hence, their custody is no more required by the police for further investigation. Moreover, since the day of submitting challan i.e. 03.01.2024, more than two years and eight months have passed but the prosecution has failed to examine even a single witness. It further appears that the names of the

applicants do not transpire in the FIR, and they have been implicated in this case on the basis of statements of arrested co-accused, which is inadmissible in law under Article 39 of the Order, 1984. Nothing has been recovered from the possession of the applicants after their arrest to connect them with the commission of alleged offence. As per FIR, two persons were seen escaping on motor cycle after committing offence, yet no CCTV camera recording has been obtained by the IO. The alleged so-called eye-witnesses who identified the applicants are not named in the FIR as witnesses; Hence, the guilt of applicants requires further inquiry as envisaged under subsection (2) of section 497, CrPC.

10. For the foregoing facts and reasons, we admit the applicants to post-arrest bail, subject to their furnishing solvent surety in the sum of Rs.3,00,000/- (*Rupees Three lac only*) each and P.R. Bond in like amount to the satisfaction of the Trial Court.

11. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the Trial Court while deciding the case of the applicants on merits. However, in case the applicant(s) misuses the concession of bail in any manner, the Trial Court shall be at liberty to cancel the same after giving them notice, in accordance with law.

12. Above are the reasons of our short order dated 30.09.2025.

ACTING CHIEF JUSTICE

JUDGE

Athar Zai