

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-869 of 2025

Applicant : Khalid son of Imam Bux Khusk  
Through Mr. Ghulam Murtaza Buriro, Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Date of hearing : 13.10.2025  
Date of order : 13.10.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.—** The applicant, Khalid son of Imam Bux Khusk, seeks post-arrest bail in a case bearing crime No.319/2025 for offence under Section 24 of the Sindh Arms Act, registered at Police Station B-Section Khairpur. It is noted that a previous bail application was rejected by the learned Additional Sessions Judge-IV (GBVC), Khairpur, vide order dated 11.09.2025.

2. The prosecution's case is based on the allegation that on 21.08.2025 at 2200 hours, the complainant HC-Raheem Bux Narejo and his subordinate staff arrested the applicant following an encounter, recovering an unlicensed T.T pistol of 30 bore along with its magazine from his possession. The applicant was also allegedly injured at the time of arrest.

3. The learned counsel for the applicant vehemently challenges the prosecution's narrative, asserting the applicant's innocence and false implication. It is submitted that no encounter occurred as alleged, and the applicant was subjected to illegal arrest with mala fide intent. The injuries sustained by the applicant, he argues, were inflicted by police official's contrary to the official version, leaving the Police Officers unharmed, which raises grave suspicions. Furthermore, the learned counsel highlights

violation of mandatory procedures, emphasizing the absence of independent witnesses to the recovery in breach of Section 103 Cr.P.C., and urges that the matter warrants further inquiry under Section 497(2) Cr.P.C.

4. Conversely, learned Deputy Prosecutor General opposes bail, underscoring that the applicant is specifically named in the FIR, was apprehended at the scene, and the unlicensed TT pistol was reportedly recovered from his possession. The State prays for dismissal of the bail petition.

5. Upon hearing learned counsel on both sides and perusal of the record, it is evident the prosecution case carries substantial doubts and irregularities which necessitate thorough investigation. Notably, only the accused endured injuries, purportedly at the hands of his own companions, while police officials claim to have remained unscathed during the alleged encounter. The complete absence of independent witnesses vitiates the recovery and arrest process contravening the clear provisions of Section 103 Cr.P.C. The prosecution's reliance solely on police testimony, without independent corroboration, cannot be ignored. In this regard, the cardinal legal principle that every accused is presumed innocent until guilt is established beyond reasonable doubt through a lawful trial must be strictly observed. Where reasonable doubts about the prosecution's case persist, the benefit must be extended to the accused persons even at this bail stage.

6. The applicant's clean antecedents, lack of any prior criminal record, and absence of any indication of being a habitual offender weigh in favor of his release. Continued incarceration at this stage would not

contribute to justice; rather, the prosecution's case merits resolution through a full trial based on admissible evidence.

7. Accordingly, in view of the discussed circumstances and recognizing the necessity of further inquiry under Section 497(2) Cr.P.C., the applicant is hereby admitted to bail subject to furnishing a solvent surety in the sum of Rs. 50,000/- (Fifty Thousand Rupees) along with a P.R. bond of the same amount to the satisfaction of the learned trial court.

8. It is explicitly clarified that the observations made herein are tentative and shall not operate to prejudice the trial court's ultimate adjudication on the merits of the case after full trial.

**J U D G E**