

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Criminal Bail Applications No. 1107 & 1108 of 2025

**Present:**  
**Justice Zafar Ahmed Rajput, ACJ.**  
**Justice Ms. Tasneem Sultana**

Applicant	:	Mst. Rukhsana w/o. Imtiaz, Through Mr. Javed Anwar, advocate
Respondent	:	The State, through Mr. Mumtaz Ali Shah, APG.
Date of hearing	:	26.05.2025
Date of order	:	26.05.2025 -----

**ORDER**

**ZAFAR AHMED RAJPUT, ACJ:-** By this common order, we intend to dispose of the above listed two CrI. Bail Applications, as the same being arisen out of Crimes/FIRs No.463 & 466 of 2024, registered at P.S. New Karachi Industrial Area, Karachi-Central under sections 353, 324, 427, and 34, PPC read with section 7 of the Anti-Terrorism Act, 1997 (**Act**) and section 23(1)(a) of the Sindh Arms Act, 2013, have been heard by us together, through which the applicant/accused Mst. Rukhsana w/o. Imtiaz seeks post-arrest bail in the aforesaid crimes. Her earlier applications for the same relief in Special Case No. 205 and 205-A of 2024 were heard and dismissed by the Anti-Terrorism Court-XX, Karachi vide order, dated 04.12.2024.

2. Precisely, the case of the prosecution as unfolded in the F.I.R. lodged by ASI Abdul Shakoor of PS New Karachi Industrial Area is that on 27.07.2024 he alongwith his subordinate staff was on patrolling duty when at about 0500 hours they reached at G-23 Bus Stop Kachra Kundi, Sector 5-F, New Karachi, they saw four suspicious persons on two motorcycles out of them one was a lady, who were coming from Gulshan-e-Maymar side, police party signaled them to stop for checking purpose but they turned back their motorbikes and made fire shots at police party with intention to commit their murder, resultantly one PC Haider Ali sustained fire arm injuries. In retaliation police party also made fire shots and during such cross firing two accused persons sustained fire arm injuries and fell down from their motorcycle while their accomplice co-accused successfully managed to escape from the spot. Police

apprehended two accused persons in<sup>2</sup> injured condition along with a lady accused on the spot. The injured accused disclosed their names as Mohammad Shoukat & Mohammad Zafar, whereas, lady accused disclosed her name as Mst: Rukhsana. They also disclosed the name of their absconding co-accused as Rasheed. From search of injured accused Shoukat a 30 bore pistol loaded with magazine containing three live bullets and one live bullet in its chamber was recovered as well as Rs. 1000/-, while . from search of injured accused Mohammad Zafar a 30 bore pistol loaded with magazine containing two live bullets and one live bullet in its chamber was removed as well as one mobile phone, one wallet/purse containing Rs.1500/- and one coloured copy of his CNIC, whereas, from search of applicant police recovered one purse containing Rs.500/-, one mobile phone, one wrist watch and one 30 bore pistol loaded with magazine containing two live bullets. They failed to produce licence of the pistols. Hence, the instant FIRs were lodged against the accused persons.

3. Learned counsel for the applicant has contended that applicant is innocent and has falsely been implicated in this case by the police mala fidely, otherwise she has no nexus with the alleged incident; that the place of incident is a populated area; however, no independent witnesses has been associated as witness; that no direct or indirect evidence is available with the prosecution to connect the applicant with the commission of alleged offence; that nothing incriminating has been recovered from possession of the applicant and the alleged crime weapon has been foisted upon her; that the investigation of the case in hand has already been completed and Challan has also been submitted; hence, the applicant is no more required for Investigation; that the applicant is behind the bars since last about 14 months but the trial has not been concluded; that the guilt of the applicant requires further inquiry entitling her to for bail.

4. On the other hand, learned A.P.G. has vehemently opposed this application on the grounds that the applicant was caught red handed from the spot when her accomplices made firing on police party in order to commit their *Qatl-e-Amd* and

caused firearm injuries to PC Haider Ali;<sup>3</sup> that from possession of the applicant unlicensed pistol was recovered; that sufficient evidence is available with the prosecution to connect the applicant with the commission of alleged offence; hence, she is not entitled to the concession of bail.

5. Heard, record perused.

6. It appears that the applicant was arrested from the spot and from her possession an unlicensed 30 bore pistol was recovered, when she alongwith arrested co-accused and absconding co-accused made firing on the police party in order to deter them from discharging this duty and during the encounter PC Haider Ali sustained firearm injury as well as two co-accused. Police also received several empties from the place of occurrence. The prosecution witnesses have fully implicated the applicant in commission of alleged offence in their 164, Cr.P.C. statements. The applicant is also involved in Crime No. 272 of 2024 registered under Section 397, 302, 34 PPC at PS Gulberg and Crime No. 202 of 2024 registered under Section 394, 395 PPC at PS Joharabad. Applicant's claim with regard to her false implication is an issue that cannot be attended without going beyond the scope of tentative assessment, an attempt prohibited by law.

7. From the tentative assessment of the evidence on record, it appears that the prosecution has sufficient evidence against the applicant to connect her with the commission of alleged offence; therefore, she is not entitled to concession of bail; hence, we reject these criminal bail applications.

8. Needless to mention here that the observations made hereinabove by this Court are tentative in nature and the same shall not influence the trial Court while deciding the case of applicant on merit.

9. Above are the reasons of our short order, dated 26.05.2025.

**ACTING CHIEF JUSTICE**

**JUDGE**

