

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-610 of 2025

Applicant : Manzoor son of Ghulam Mustafa, Brohi
Through Mr. Deewan Dhanraj, Advocate

The State : Through Mr. Shafi Muhammad Mahar, DPG

Date of hearing : 04.09.2025
Date of order : 04.09.2025

ORDER

KHALID HUSSAIN SHAHANI, J. – Applicant Manzoor Brohi, seeks post arrest bail in a case bearing crime No. 209/2025, for offence under Sections 324, 353, 401 and 398 PPC, registered at Police Station Moro, District Naushero Feroze. Prior to this, the bail of application of the applicant was declined by the learned Additional Sessions Judge, Moro vide order dated 14.07.2025.

2. According to the prosecution, on the occasion in question, the complainant, an Assistant Sub-Inspector along with subordinate officials, received information and proceeded to Gachero Bypass, where they allegedly encountered three armed individuals at around 1:00 a.m. The prosecution asserted that an exchange of gunfire took place, during which one of the accused suffered an injury, resulting in the arrest of all three accused with unlicensed pistols in their possession.

3. Counsel for the applicant advanced several arguments in favor of bail. He maintained that the applicant is innocent and has been falsely implicated at the instigation of opponents. He contended that the story of an encounter is concocted, particularly because only one accused was injured, and none of the police officials suffered any harm, a detail that renders the prosecution's narrative suspect. Further, he emphasized that no independent witnesses were mentioned or joined at the time of recovery and arrest, in

contravention of Section 103 Cr.P.C., and that Section 324 PPC is not attracted because no member of the complainant party was injured. It was argued that the material available on record makes it a case of further inquiry under Section 497(2) Cr.P.C.

4. Conversely, the learned Deputy Prosecutor General argued that the applicant was apprehended at the scene after a police encounter with an unlicensed weapon in hand, thus opposing the grant of bail.

5. Having considered the arguments and the record, the Court observed that the offences alleged do not fall within the prohibitory clause of Section 497 Cr.P.C., as the maximum punishment under Section 324 PPC is seven years. The Court found several material aspects of the prosecution's case casting doubt, only one accused received injury while all police officials remained unscathed, raising serious questions about the reality of the alleged encounter. Furthermore, the supposed injuries to the co-accused Azeem at the hands of his associates seem improbable and strain credulity. The recovery was effected without the presence of independent witnesses, which is a clear departure from the requirement of Section 103 Cr.P.C.; thus, the prosecution's case largely rests on police testimony without external corroboration.

6. It is settled principle of law that bail is a rule and refusal an exception in cases not falling within the prohibitory clause of Section 497 Cr.P.C. Reliance is placed on PLD 1972 SC 81 *Manzoor v. The State*, 2023 SCMR 308 *Amir Faraz v. The State*. The Supreme Court in *Manzoor v. The State* (PLD 1972 SC 81) reaffirmed that bail is not to be withheld by way of punishment, and that unless reasonable grounds exist tying the accused to the alleged offence, continued detention serves no just purpose. Furthermore, the jurisprudence states that where reasonable doubt exists regarding the prosecution case, the benefit must be extended to the accused even at the bail

stage, and that the presumption of innocence is a fundamental right of every accused.

7. The Court noted that the applicant has no prior criminal record and is not alleged to be a habitual or desperate criminal whose release would pose a risk to society. Nothing on record suggests that his continued custody is required for the sake of justice, particularly as the prosecution's assertions may only be adequately scrutinized during trial once evidence is properly recorded.

8. Given above, applicant has succeeded to make out case for further inquiry under Section 497(2) Cr.P.C. Accordingly, he is admitted to bail upon furnishing solvent surety in the sum of Rs.50,000/- and a personal recognizance bond in the like amount to the trial court's satisfaction. It was further clarified that all observations herein are tentative and the merits of the case would be decided upon evidence at trial.

J U D G E