

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA

Criminal Bail Appln. No. D-71 of 2025

Present:

Mr. Justice Amjad Ali Sahito,
Mr. Justice Ali Haider 'Ada',

Applicant : Imtiaz Hussain s/o Dadan
Khan Through Mr. Fida
Hussain Sahito, advocate

The State : Mr. Nazeer Ahmed
Bhangwar, D.P.G for the
State

Date of hearing 29-10-2025

Date of order 29-10-2025

ORDER

AMJAD ALI SAHITO, J.- Through this bail application, the applicant accused seeks post arrest bail in Crime No. 22/2025 of P.S. Hatri Ghulam Shah, registered U/S 4/5 of Explosive Act, R/w Section 6/7 ATA. Prior to this, he filed such application but the same was turned down by the learned Special Judge, Anti-Terrorism Court, Lakana vide order dated 15.09.2025, hence he has filed instant criminal bail application.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant/accused, the applicant is innocent and has been falsely implicated in the present case registered under Sections 4 and 5 of the Explosive Substances Act. It is contended that prior to the registration of the present case, an application under Section 491, Cr.P.C., bearing C.M.A. No. 291 of

2025, was filed by one Umair against the S.H.O. Police Station C.I.A., Incharge Larkana, and the S.S.P. Larkana, alleging illegal detention of the present applicant, namely Imtiaz Hussain, his uncle, and Nadir Ali, his cousin. The said application was filed on 12.08.2025, whereupon the learned Civil Judge and Judicial Magistrate-I, Larkana, was directed to conduct a raid at the C.I.A. Center, Larkana, and notices were issued to the respondents. Pursuant thereto, detainee Nadir Ali was recovered and shown as arrested in Crime No. 149 of 2024 of Police Station Ranipur under Section 364, P.P.C., however, the present applicant/accused Imtiaz Hussain was not shown as arrested at that time.

4. Subsequently, another application under Section 491, Cr.P.C., bearing C.M.A. No. 296 of 2025, was filed by Umair Ahmed on 16.08.2025 for the alleged illegal detention of Imtiaz Hussain, wherein notices were again issued to the respondents and the matter was later disposed of. Thereafter, a Constitutional Petition bearing C.P. No. D-834 of 2025 was filed before this Court, which was presented on 21.08.2025, and notices were issued to the respondents, while the matter was adjourned to 04.09.2025. During the pendency of the said petition, the instant FIR bearing No. 22 of 2025 of Police Station Hatri Ghulam Shah, District Larkana, was registered on 27.08.2025 under the Explosive Substances Act, implicating the present applicant/accused.

5. Learned counsel submits that the entire proceedings are the result of a personal dispute between the applicant and one Ali Asghar Arain, at whose behest the S.S.P. Larkana has falsely implicated the applicant in the present case. It is further contended that the record of earlier proceedings before the learned District & Sessions Judge, Larkana, as well as before this Hon'ble Court, clearly establishes that since 11.08.2025, the applicant, along with co-detainee Nadir Ali, remained in police custody, and thereafter they were falsely shown as accused in the present case.

6. It is further argued that in Crime No. 149 of 2024 registered under Section 364, P.P.C., against unknown persons, the applicant was subsequently implicated only after this Hon'ble Court had ordered reinvestigation, whereas earlier, the report under Section 173, Cr.P.C., had been submitted and the case was disposed of under "A" class. Learned counsel reiterates that the applicant/accused has been falsely booked in the instant case at the instance of said Asghar Arain, and that he is innocent. It is lastly submitted that the applicant/accused is presently confined in jail and is no longer required for further investigation.

7. On the last date of hearing, *viz.* 21.10.2025, during the course of arguments, learned counsel for the applicant/accused contended that the complainant of Crime No. 208 of 2023, in which accused Ali Asghar Arain and others are charged with the murder of the nephew of the present applicant/accused, has, at his instigation, managed to have the applicant falsely implicated by the Larkana police in the present case. It was further pointed out that the alleged place of recovery or incident is situated at a distance of approximately 100 kilometers from the residence of the applicant/accused. Considering the gravity of the allegations, this Court had directed the appearance of the S.S.P., Larkana; however, he remained absent, while P.D.S.P. Bashir Ahmed Abro appeared on his behalf and submitted that an inquiry would be conducted against the S.H.O., Police Station Hatri Ghulam Shah, and the Investigating Officer of the case, for which he sought time. On his request, the matter was adjourned to today, *viz.* 29.10.2025.

8. Today, the S.S.P., Larkana, is present; however, P.D.S.P. Bashir Ahmed Abro has submitted a report on behalf of the S.S.P., Larkana. In the said report, it has been stated that the Hon'ble High Court of Sindh, Bench at Sukkur, in Constitutional Petition No. D-35 of 2024, arising out of Crime No. 149 of 2024 under Section 324, P.P.C., of Police Station Ranipur, had directed the Inspector General of Police, Sindh, to conduct an inquiry into the

said crime. Pursuant to those directions, the investigation was carried out. The High Court had further directed the concerned authorities either to recover the dead body of the alleged abductee or to produce him in person.

9. During the course of the inquiry, the investigating officials recorded the statements of witnesses who had allegedly seen the abductee accompanying two persons on a motorcycle. Upon further inquiry, those witnesses expressed apprehension of the present accused and were unwilling to depose formally. One person was arrested in the said case and was produced before the Hon'ble High Court, which was pleased to grant his remand. The investigating officer then requested the High Court that, as the investigation pertained to District Khairpur, the same may be handed over to the Khairpur Police. Consequently, the investigation was transferred to District Khairpur, and thereafter, the said person was challaned.

10. During that period, the investigating authorities were also searching for the present applicant and his brother. They visited Ranipur on three occasions in an attempt to recover the body of the alleged abductee. It was during this period that the present F.I.R. came to be registered. The report submitted by P.D.S.P. Bashir Ahmed Abro on behalf of S.S.P. Larkana is taken on record. The same is reproduced as under: –

SUBJECT: AN ORDER DATED 21.10.2025 PASSED BY THE HON'ABLE COURT C.P. NO D-71/2025 FILED BY IMTIAZ HUSSAIN SEHTO V/S THE STATI & OTHERS.

Enclosed herewith is a copy of the order dated 21.10.2025. received from the Deputy Registrar, Hon'ble High Court of Sindh. Circuit Court Larkana. and forwarded by your good office vide letter No. LB/9099/2025 dated 22.10.2025, on the subject noted above.

It is submitted that the matter is also pending before the Hon'ble High Court Sukkur Bench, wherein the SSP Larkana has been directed to recover the kidnapped person, namely Sabir Arain.

In compliance with the said directions, a special team was constituted under the supervision of DSP Dokri and CIA

Larkana. During the course of investigation, Nader Ali Sehto was arrested. He disclosed that the kidnapped person, Sabir Arain, had attacked their house and killed his nephew. Consequently, a case was registered at Police Station Mehrabpur under Section 302 PPC, which is presently under trial before the Additional Sessions Court. Naushahro Feroze.

Subsequently, in retaliation, Sabir Arain was kidnapped and murdered. In this regard, a case has been registered at Police Station Ranipur under Crime No. 149/2024-Section 364 PPC.

Furthermore, Imtiaz Sehto, who is the uncle of Nader Sehto, and is also reportedly involved in the kidnapping and murder of Sabir Arain, upon learning about the arrest of his nephew, came to Larkana along with unidentified persons with the intent to attack the police and secure the release of Nader Sehto, who had been arrested by PS Hatri police. (under line and bold by us.)

Accordingly, a case has been registered under Crime No. 22/2025. U/S 3/4 Explosives Act & 6/7 ATA.

Furthermore, it is stated that Criminal Procedure Code (CrPC) as well as the Hon able Supreme Court of Pakistan have made it clear that the I/O of the case cannot directed any one. The I/O of the case is independent in his Investigation.

As the matter is pending before the concerned court of law, it is respectfully submitted that an honest and impartial Investigating Officer may be appointed to conduct a fair and transparent investigation into the case. If, upon conclusion of the investigation, it is found that the case was registered in an illegal or false manner, it is recommended that appropriate departmental action be initiated against those found responsible, in accordance with law.

The above is submitted for your kind perusal and necessary orders. please.

It has been stated that, in fact, the accused was found in possession of explosive substances, which he allegedly intended to use for causing an explosion at the residence of one Ali Asghar. However in the report SSP Larkana has stated that **“Furthermore, Imtiaz Sehto, who is the uncle of Nader Sehto, and is also reportedly involved in the kidnapping and murder of Sabir Arain, upon learning about the arrest of his nephew, came to Larkana along with unidentified persons with the intent to attack the**

police and secure the release of Nader Sehto, who had been arrested by PS Hatri police”. (under line and bold by us.)

11. Conversely, learned Deputy Prosecutor General (D.P.G.) has raised no objection to the grant of bail to the applicant/accused, in view of the documentary evidence produced on record demonstrating that the applicant remained in illegal detention since 11.08.2025.

12. Heard and perused the record.

13. From a perusal of the record, it transpires that on 27.08.2025, at about 1200 hours, the complainant, S.I.P. Shamshad Ali Abro, along with H.C. Zafar Ali Mirbahar, P.C. Pasand Ali, and driver Ashique Ali Jhatiyal, was on routine patrolling duty vide *roznamcha* entry No. 5. During patrolling from various areas, when the police party reached near Siraj Jatoi Petrol Pump, they received secret information that three suspects were standing at village Hatri Ghulam Shah Laro, towards the Larkana–Khairpur Bridge. Acting upon the said information, the police proceeded to the indicated location, where they apprehended the present applicant/accused, Imtiaz Hussain, and allegedly recovered a hand grenade from his possession, while two other suspects managed to escape. It is further stated that the applicant/accused disclosed before the police that he intended to cause damage to the Larkana–Khairpur Bridge and had travelled from his village for that purpose.

14. During the course of arguments, learned counsel for the applicant/accused contended that the applicant himself is the complainant in Crime No. 208 of 2023, registered under Sections 302, 324, 337-F(ii), 452, 147, 148, and 149, P.P.C., at Police Station Mehrabpur, wherein accused Ali Asghar and others stand charged with the murder of the applicant’s nephew. Learned counsel further invited the attention of this Court to the proceedings initiated by one Umar, who filed an application under

Section 491, Cr.P.C., bearing C.M.A. No. 291 of 2025, before the learned Sessions Judge, Larkana, seeking recovery of the present applicant, Imtiaz Hussain, and his nephew, Nadir Ali, from alleged illegal detention. The said application was filed on 12.08.2025, whereupon the learned Civil Judge and Judicial Magistrate-I, Larkana, was directed by the learned Sessions Judge to conduct a raid at the C.I.A. Center, Larkana, and notices were issued to the respondents. Pursuant to the said order, the learned Magistrate conducted the raid, during which detainee Nadir Ali was recovered and subsequently shown as arrested in Crime No. 149 of 2024 of Police Station Ranipur under Section 364, P.P.C., whereas the alleged detainee, present applicant/accused Imtiaz Hussain, could not be recovered.

15. It appears that the uncle of the present applicant/accused, namely Imtiaz Hussain, had filed another application under Section 491, Cr.P.C., alleging illegal detention of the said Imtiaz Hussain. However, despite such application, the applicant did not surface. Subsequently, a Constitutional Petition was filed before this Court on 18.08.2025, which was fixed for hearing on 21.08.2025, when notices were issued to the respondents. Thereafter, on 04.09.2025, the arrest of the present applicant was shown in Crime No. 22 of 2025, registered under Sections 4 and 5 of the Explosive Substances Act, read with Sections 6 and 7 of the Anti-Terrorism Act, 1997. It is indeed surprising that upon inquiry from the S.S.P., Larkana, as to whether the applicant was involved in any terrorist activities, the S.S.P. submitted that the applicant was only involved in one criminal case, *i.e.*, F.I.R. No. 149 of 2024 of Police Station Ranipur, registered under Section 364, P.P.C.

16. Learned counsel for the applicant has contended that F.I.R. No. 149 of 2024 of Police Station Ranipur, registered under Section 364, P.P.C., was lodged by one Ali Asghar Arain against unknown persons and was subsequently disposed of under "A" class. The copies of the said F.I.R. and the order passed by the learned Magistrate on the police report have been placed on record.

17. The S.S.P., Larkana, however, submitted that the present applicant was in fact involved in Crime No. 149 of 2024, registered on 11.11.2024 at Police Station Ranipur under Section 364, P.P.C., and that he had been formally joined as an accused therein. Conversely, learned counsel for the applicant argued that prior to the said occurrence, the applicant himself had lodged F.I.R. No. 208 of 2023 under Sections 302, 324, 337-F(ii), 452, 147, 148, and 149, P.P.C., at Police Station Mehrabpur, against the said Ali Asghar Arain and others, for the murder of his nephew. It is therefore contended that there existed a prior enmity between the applicant and the said complainant. Learned counsel further submitted that in F.I.R. No. 149 of 2024, Ali Asghar Arain had lodged the case against unknown persons, without naming either the present applicant or his nephew Nadir Ali as accused in the alleged abduction of one Sabir Hussain. However, the S.S.P. Larkana, in collusion with the said Ali Asghar, subsequently implicated the applicant/accused in the said case at the instigation of the complainant.

18. From the face of the record including the F.I.Rs, reports, and applications filed under Section 491, Cr.P.C., as well as the Constitutional Petition under Article 199 of the Constitution, it prima facie appears that the applicant/accused was in illegal custody of the C.I.A. police Larkana. This Court, vide order dated 21.10.2025, had directed the S.S.P. Larkana to conduct a fair and impartial inquiry in the aforementioned crime. However, instead of doing so, the S.S.P. Larkana proceeded to book the present applicant in another abduction case, *i.e.*, Crime No. 149 of 2024, thereby demonstrating mala fide conduct.

19. During court proceedings, both the S.S.P. Larkana and P.D.S.P. Bashir Ahmed Abro stated that the applicant/accused had allegedly carried a hand grenade with the intention of attacking the house of Ali Asghar. However, from the plain reading of the F.I.R., it transpires that the allegation against the applicant was, in fact, that he intended to cause damage to the Larkana–Khairpur Bridge.

20. It is noteworthy that the applicant is a resident of Mehrabpur, where major infrastructure, including the main railway line and several bridges, already exists. The assertion that he travelled a distance of approximately 100 kilometers merely to damage the Larkana–Khairpur Bridge appears implausible and does not appeal to a prudent mind. From a perusal of the record, it is evident that the learned counsel for the applicant has successfully demonstrated that the applicant was arrested on 11.08.2025 and was kept in illegal detention by the C.I.A. Police, Larkana, before being falsely implicated in the present case. The applicant has remained in judicial custody for the last two months. The conduct of the concerned police officials is deplorable and reflects that they are unfit to hold their respective posts.

21. In view of the foregoing circumstances, learned counsel for the applicant has made out a case for grant of bail under subsection (2) of Section 497, Cr.P.C. Accordingly, the instant Criminal Bail Application is allowed. The applicant/accused, *Imtiaz Hussain*, is admitted to bail subject to furnishing solvent surety in the sum of Rs. 20,000/- (Rupees Twenty Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

22. Furthermore, the Inspector General of Police, Sindh, Karachi, and the Director General, FIA, Islamabad, are directed to conduct a detailed inquiry against the S.S.P. Larkana, P.D.S.P. Bashir Ahmed Abro, S.I.P. Shamshad Ali Abro, and the Investigating Officer of Crime No. 22 of 2025 of Police Station Hatri Ghulam Shah, District Larkana, registered under Sections 4 and 5 of the Explosive Substances Act read with Sections 6 and 7 of the Anti-Terrorism Act, 1997. The inquiry shall ascertain whether the said officers acted in collusion with complainant S.I.P. Shamshad Ali Abro, S.H.O. Police Station Hatri Ghulam Shah, and whether they were responsible for falsely implicating the applicant/accused and Nadir Ali in the said cases at the behest of complainant Ali Asghar of Crime No. 149 of 2024. **Pending the conclusion of the inquiry,**

the Inspector General of Police, Sindh, is directed to transfer the S.S.P. Larkana and the aforementioned police officials to prevent them from influencing the investigation.

23. The bail application is adjourned to 12.11.2025 for submission of compliance reports by the Inspector General of Police, Sindh, Karachi, and the Director General, FIA, Islamabad, within seven (07) days.

24. Let a copy of this order be transmitted through fax to the Inspector General of Police, Sindh, Karachi, and the Director General, FIA, Islamabad, for information and strict compliance.

Judge

Judge