

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-1236 of 2025

Applicant : Muhammad Aalim S/o Qamar Din, Rajper
Through Mr. Achar Khan Gabol, Advocate

The State : *Through* Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 29.01.2026

Date of order : 29.01.2026

Date of reasons : 30.01.2026

O R D E R

KHALID HUSSAIN SHAHANI, J.— The applicant seeks post-arrest bail in a case bearing crime No.136 of 2025, for offence under Section 24 of the Sindh Arms Act, 2013, registered at Police Station Bhiria City. His previous bail plea was declined by the learned 1st Additional Sessions Judge (MCTC), Naushahro Feroze, vide order dated 30.09.2025.

2. The prosecution alleges that during investigation of Crime No.125 of 2025, a 30-bore pistol with three live bullets, allegedly without visible number and unlicensed, was recovered from the applicant's possession, leading to this separate FIR.

3. Learned counsel contends that the applicant has been falsely implicated due to political rivalry; the alleged recovery is doubtful as no private witness was associated despite recovery being made in a public place. The challan has been submitted, the applicant has remained in custody since arrest, and no further investigation is pending. Hence, the case calls for further inquiry under Section 497(2) Cr.P.C.

4. The learned DPG opposes bail, asserting that recovery was made on the applicant's pointation and that his connection with the main case cannot be ignored.

5. I have heard both sides and examined the record. The absence of any independent witness to the recovery, though allegedly effected in a

public area, raises substantial doubt regarding its genuineness, attracting the principle of further inquiry contemplated under Section 497(2) Cr.P.C.

6. It is also pertinent that the applicant has been granted bail today in the main case bearing Crime No.125 of 2025, vide order dated 29.01.2026 in Cr. Bail Application No. S-1235 of 2025. Since the present case is an offshoot thereof, the ratio in *Sajjad Ali Maitlo v. The State* (2022 P. Cr. L. J. Note 74) squarely applies, holding that where bail is granted in the principal offence, subsequent recovery cases arising from the same transaction ordinarily warrant similar treatment.

7. The applicant has no previous criminal record, and the investigation stands completed. Prolonged incarceration at this stage would serve no purpose and offend the principle that “bail is a rule and jail an exception,” reaffirming the constitutional protection of liberty under Article

8. In these circumstances, the case merits further inquiry within the meaning of Section 497(2) Cr.P.C. Consequently, the applicant was admitted to post-arrest bail vide short order dated 29.01.2026, subject to furnishing a solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. These are the detailed reasons thereof.

9. Observations made herein are tentative, confined to this bail application, and shall not prejudice the trial Court at the final stage.

J U D G E