

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-1249 of 2025

Applicant : Arbelo s/o Mukhtiar Ahmed, Kosh
Through M/s Shahid Ali Memon & Rizwana Perveen
Memon, Advocates

The State : *Through* Mr. Imran Mubeen, Addl. P.G

Date of hearing : 19.02.2026

Date of order : 27.02.2026

ORDER

KHALID HUSSAIN SHAHANI, J.—Applicant Arbelo, seeks the concession of post-arrest bail in respect of FIR No. 72 of 2025, registered under Section 25 of the Sindh Arms Act, 2013, at Police Station Wasti Jiwan Shah, District Ghotki. His earlier plea for bail was declined by the learned Additional Sessions Judge-II, Mirpur Mathelo, vide order dated 09.12.2025.

2. The prosecution narrative unfolds that during investigation of a case bearing Crime No. 71 of 2025, registered under Sections 302, 311 and 34, Pakistan Penal Code, at the same Police Station, a 30-bore pistol, along with a magazine containing three live rounds, devoid of any identifiable number and unlicensed, was allegedly recovered from the applicant's possession, culminating in the registration of the present case.

3. Learned counsel for the applicant submits that the entire episode is a calculated fabrication driven by political animus. He emphasizes that the alleged recovery, purportedly effected in a public thoroughfare, is rendered doubtful by the conspicuous absence of any independent attesting witness. It is contended that the challan has since been submitted, the applicant remains incarcerated since arrest, and no investigative exercise is pending, thus the case, *ex facie*, attracts the doctrine of *further inquiry* under Section 497(2) Cr.P.C.

4. Conversely, the learned Additional Prosecutor General disputes the assertions, maintaining that the weapon was secured on the applicant's pointing, asserting his proximity to the principal offence cannot be lightly disregarded.

5. Having heard learned counsel and examined the available record, this Court notes with concern that the alleged recovery, though said to have occurred in a public setting, was not witnessed by any independent person. Such omission imparts a shadow of doubt over the genuineness of the recovery proceedings, thereby inviting the statutory presumption of *further inquiry* encompassed by Section 497(2), Cr.P.C.

6. It is further to be observed that the applicant stands simultaneously enlarged on bail in the connected principal case (Crime No. 71 of 2025) vide order passed today in Criminal Bail Application No. S-1248 of 2025. The *ratio decidendi* in *Sajjad Ali Maitlo v. The State* (2022 P. Cr. L. J. Note 74) is apposite, wherein it was held that once bail is granted in the main offence, the ancillary or offshoot cases emanating therefrom ordinarily merit parity in judicial treatment.

7. No antecedents have been attributed to the applicant, and investigation stands concluded. Prolonged pre-trial confinement, in the circumstances, would subvert the foundational presumption of innocence and intrude upon the constitutionally guaranteed liberty enshrined under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973. The oft-quoted jurisprudential maxim that "bail is a rule and jail an exception" assumes direct relevance.

8. Cumulatively, and without delving into the merits of the prosecution's case, the material on record persuades this Court to hold that the accusation against the applicant is, at the very least, clouded with

doubts that attract the principle of *further inquiry* within the purview of Section 497(2) Cr.P.C. The applicant, therefore, deserves the indulgence of bail.

9. Accordingly, this Criminal Bail Application is allowed. The applicant, Arbelo son of Mukhtiar Ahmed, shall be admitted to post-arrest bail upon furnishing a solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) and a personal bond in the like amount to the satisfaction of the learned trial Court.

10. The learned trial Court is, however, directed to expedite the proceedings and endeavor to conclude the trial preferably within four (04) months of receipt of this order, ensuring that no observation herein shall, in any manner, prejudice its independent appreciation of evidence.

11. It is explicitly clarified that all observations made herein are tentative in nature, confined solely to the adjudication of this bail petition, and shall not influence the trial Court in its final determination.

J U D G E