

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3491 of 2025

Applicant : Haji Jatoi
son of Khameso Jatoi
through Mr. Subhan Javed,
Advocate

The State : Through Ms. Seema Zaidi,
Additional Prosecutor General,
Sindh

Date of hearing : 23.02.2026

Date of decision : 23.02.2026

ORDER

Jan Ali Junejo, J.- Applicant Haji Jatoi S/o. Khameso Jatoi seeks post-arrest bail in a case bearing Crime No. 349/2025, for offence under section 23(i)A SAA of P.S Memon Goth. Karachi. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-I(MCTC), Malir, Karachi was declined vide order dated 01.12.2025.

2. The facts relevant to the present criminal bail application are as follows:

“The crux of the prosecution as unfolded by complainant/ASI Haji Khan of P.S Memon Goth, are that on 10.11.2025 an arrested accused of main case crime No.348/2025 under Section 353/324/186/34 PPC, namely Haji Jatoi son of Khameso Jatoi was found in possession of a 30 bore pistol along with a magazine containing one live bullet without number. Such act on the part of accused was treated as an offence under Section 23(i) A of Sindh Arms Act, 2013, therefore, instant case was registered against him on behalf of the State”.

3. Learned counsel for the applicant simply argued that it is an offshoot of main case in which applicant has already been granted bail by this Court vide order dated 28.01.2026 in Cr. Bail Application

No.3492/2025 [copy of the same is filed, same is taken on record]; hence, deserves to be admitted to bail in this case also.

4. On the other hand, learned Addl. P.G, Sindh appearing for the State, opposed the bail application on the ground that no ill-will or any animosity has been urged against the police for foisting weapon against the applicant, as claimed by the defense.

5. Heard and perused record. No doubt, the applicant has failed to bring on record any ill-will or animosity on the part of police for arraying him in this case falsely. Admittedly, it is an offshoot of main case viz. Crime No.348 of 2025 registered with P.S Memon Goth, Karachi, for offences punishable under Section 353, 324, 186 & 34 PPC, in which applicant has been granted bail by this Court vide order dated 28.01.2026 in Criminal Bail Application No.3492 of 2025. It being an offshoot of main case, the applicant deserves to be admitted to bail in this case also. As far as, punishment provided by the law, is concerned, the legislature itself has left it upon discretion of the Court to determine quantum of the sentence after recording evidence of the prosecution witnesses. In this regard, I am fortified with dicta laid down by learned Bench of this Court in case of *AYAZ ALI Versus THE STATE (PLD 2014 Sindh 282)*.

6. In the circumstances and in view of above legal position, applicant has made out a good prima facie case of further inquiry within meaning of subsection (2) to section 497 Cr.P.C. Accordingly, the applicant is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a PR Bond in the like amount to the satisfaction of the learned trial court.

7. It may be pertinent to mention here that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, if the applicant is found misusing the concession of bail, learned trial Court would be competent to proceed against him as well his surety, according to law.

JUDGE