

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1<sup>st</sup>Criminal Bail Application No. S-22 of 2026

1<sup>st</sup>Criminal Bail Application No. S-43 of 2026

Applicant in Cr.B.A : Rais Chhutto @ Chutto s/o Rasi Arbab,  
No.22/2026. through Mr. Ghulam Ishaque Khan,  
Advocate.

Applicant in Cr.B.A : Ubaidullah @ Ubaid s/o Kaleemullah  
No.43/2026. Awan, through Mr. Nisar Ahmed G.  
Abro, Advocate.

The State : Mr. Sardar Ali Solangi, D.P.G.

Date of hearing : 02.03.2026

Date of Order : 02.03.2026.

**ORDER**

**ABDUL HAMID BHURGRI, J.**- This common order shall dispose of the above-captioned two bail applications arising out of the same crime.

2. Applicants Rais Chhutto @ Chhutto Chachar and Ubaidullah @ Ubaid seek post-arrest bail in Crime No. 264/2025 registered at Police Station Kashmore for the offence punishable under Section 23(i)(b) of the Sindh Arms Act, 2013 and Sections 155-C & 155-D of the Police Order, 2002 (Amendment 2019), after dismissal of their bail applications by the learned Additional Sessions Judge, Kashmore, vide common order dated 12.01.2026.

3. Learned counsel for applicant Rais Chhutto submits that although recovery of 100 live rounds of SMG has been shown from his possession, no private mashir was associated despite prior spy information. He further contends that the alleged confession attributed to the applicant before police regarding intended sale to criminal elements is inadmissible in evidence in view of Article 39 of the Qanun-e-Shahadat Order, 1984.

Learned counsel for applicant Ubaidullah submits that he was not nominated in the F.I.R., and his involvement surfaced subsequently on the basis of statement of co-accused, which, in the absence of independent corroboration, is a weak piece of evidence. He submits that no recovery has been effected from this applicant.

Both learned counsel further argue that investigation has been completed; the applicants are no longer required for custodial interrogation; they have been in custody since December 2025; and they have no previous criminal record. It is contended that the case falls within the ambit of further inquiry under Section 497(2), Cr.P.C.

4. Learned Deputy Prosecutor General opposed the applications on the ground that recovery has been effected and the offence is serious in nature; however, he conceded that investigation has been completed.

5. Heard learned counsel for the parties and perused the record. Though recovery of 100 live rounds of SMG has been shown, admittedly no private mashir was associated despite prior spy information. The evidentiary value of such recovery and the surrounding circumstances are matters to be tested during trial. The alleged confession before police is inadmissible under Article 39 of the Qanun-e-Shahadat Order, 1984 and cannot be considered at this stage. So far as applicant Ubaidullah is concerned, he was not nominated in the F.I.R., and his involvement is alleged on the basis of statement of co-accused Rais Chhutto. No

independent corroborative material has been pointed out connecting him with the alleged offence, nor has any recovery been effected from him. It is not disputed that investigation has been completed and the applicants are no more required for further interrogation. Nothing has been brought on record to show previous criminal antecedents. On tentative assessment of the material available on record, and without making any observation which may prejudice the case of either side at trial, the case against the applicants at this stage prima facie falls within the scope of further inquiry as contemplated under Section 497(2), Cr.P.C. Reliance is placed on the cases of ***Naeem-ul-Areen v. The State (2016 MLD 1543) and Muhammad Siddique v. The State (2014 P Cr. LJ 1430)***.

6. In view of the above discussion, both bail applications are allowed. Applicants Rais Chhutto @ Chhutto Chachar and Ubaidullah @ Ubaid are admitted to post-arrest bail subject to furnishing solvent sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each with P.R. bond in the like amount to the satisfaction of the learned trial Court.

7. Observations made herein are tentative in nature and shall not influence the learned trial Court in any manner whatsoever.

**J U D G E**