

**ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Bail Applications No.S-276 and 277 of 2026

Applicant: Shakir Ali through Ms. Noreen Shaikh,
Advocate.

Respondent: The State through Mr. Irfan Ali Talpur, Deputy
Prosecutor General, Sindh.

Date of hearing: 16.03.2026.

Date of order: 16.03.2026.

ORDER

RIAZAT ALI SAHAR, J: - Since the applicant, namely Shakir Ali, is involved in two connected cases i.e. FIR No.471/2025 registered under Sections 324, 353, 399 and 402 PPC and FIR No.472/2025 registered under Section 24 of the Sindh Arms Act, 2013, both lodged at Police Station Kotri and the latter case is an offshoot of the former, it is considered expedient to dispose of both captioned bail applications through this **consolidated order**.

2. Learned counsel for the applicant as well as learned State counsel were heard at considerable length and the available record has been examined with their assistance. Upon tentative assessment, the following features emerge:

- a) As per the prosecution case set out in FIR No.472/2025, on 23.12.2025, ASI Ghulam Abbas Soomro along with a police party, while on patrol duty and acting upon spy information, reached near Murghi Farm located on the link road from Kotri to Khanpur, where they allegedly encountered five armed persons including the present applicant. It is alleged that upon seeing the police, the accused persons resorted to firing. The present applicant was apprehended at the spot in an injured condition, having allegedly sustained a firearm injury near his right knee and was found in possession of an unlicensed 30-bore pistol, which resulted in registration of the aforesaid crime under Section 24 of the Sindh

Arms Act, 2013. The remaining accused persons reportedly escaped.

- b) The defence version, however, is that the applicant was intercepted at Allah Wala Chowk, Kotri, while arriving from Hyderabad, where police officials allegedly demanded illegal gratification and upon refusal, foisted a false encounter and planted the alleged weapon to implicate the applicant in fabricated cases.
- c) Admittedly, the place of occurrence is a public location; however, no independent private witness has been associated with the alleged recovery or encounter. While police officials are competent witnesses, yet the absence of independent corroboration at such a place *prima facie* calls for deeper appreciation at trial.
- d) Despite allegations of indiscriminate firing upon the police party, no injury whatsoever has been caused to any member of the police, which renders the applicability of Section 324 PPC (attempt to commit *qatl-i-amd*) a matter requiring further inquiry within the meaning of Section 497(2) Cr.P.C.
- e) The offence under Section 353 PPC is bailable and carries a maximum punishment of two years; Section 399 PPC entails punishment up to ten years; and Section 402 PPC up to seven years. At the bail stage, the lesser punishment is to be tentatively considered. Likewise, Section 24 of the Sindh Arms Act, 2013 provides punishment which may extend up to seven years but not less than three years. Thus, *prima facie*, the case does not fall within the prohibitory clause of Section 497 Cr.P.C.
- f) The applicant is in judicial custody and there is nothing on record to suggest that the trial is likely to conclude within a reasonable time. Continued incarceration for an indefinite period would amount to punishment before conviction, which is against the settled principles of criminal justice.
- g) It is a well-settled principle of law that in cases not falling within the prohibitory clause of Section 497 Cr.P.C. grant of bail is a rule and refusal an exception, unless exceptional circumstances are

shown. No such exceptional circumstances have been brought on record in the present case.

h) Furthermore, no previous criminal record of the applicant has been placed on record by the prosecution.

3. In view of the foregoing discussion and tentative assessment of the material available on record, I am of the considered opinion that the applicant has succeeded in making out a case for grant of post-arrest bail. Consequently, the applicant is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand) and a PR bond in the like amount, separately in each case, to the satisfaction of the learned Additional Registrar of this Court.

4. These are the detailed reasons for the short order dated **16.03.2026**, whereby the instant bail applications were allowed.

5. It is clarified that the observations made hereinabove are tentative in nature and shall not influence the trial Court in deciding the case on merits. In case of misuse of concession of bail, the trial Court shall be at liberty to proceed in accordance with law, including cancellation of bail.

6. The criminal bail applications stand **allowed**.

JUDGE