

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

Criminal Bail Applications No.S-1615, 1616 and 1617 of 2025

Applicant: Ashique Ali through Mr. Ashfaqe Ali Abbasi,
Advocate.

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

Date of hearing: 11.03.2026.

Date of order: 11.03.2026.

ORDER

RIAZAT ALI SAHAR, J: - Since the applicant, namely Ashique Ali, is involved in all the captioned bail applications arising out of cases of similar nature, it is considered appropriate to dispose of Bail Applications No.S-1617/2026, 1616/2026 and 1615/2026 through this common order.

2. Bail Application No.S-1617/2026 arises out of FIR No.46/2025 registered under Sections 324, 353, 148, and 149 PPC; Bail Application No.S-1616/2026 pertains to FIR No.48/2025 registered under Sections 324 and 353 PPC; whereas Bail Application No.S-1615/2026 arises from FIR No.49/2025 registered under Section 25 of the Sindh Arms Act, 2013. All the aforesaid FIRs have been registered at Police Station Phulji Station, District Dadu.

3. Learned counsel for the applicant and learned State counsel were heard at length and the record has been carefully perused. Upon such consideration, the following aspects emerge:

- a) As per the contents of FIR No.46/2025, it is alleged that on 25.10.2025, ASI Pyar Ali Shahani along with a police party, while on patrolling duty and acting upon spy information, reached near link road of Tajo Panhwar, Jang Mori, where they allegedly encountered nine persons, including the present applicant, who were armed with repeaters and pistols. Upon seeing the police

- party, the accused persons allegedly resorted to straight firing and managed to escape.
- b) As per FIR No. 48/2025, registered approximately one month later, the allegation against the applicant is that on 25.11.2025, while the police party was again on patrolling duty, the applicant along with his co-accused was found present with the intention to commit an offence. It is alleged that upon seeing the police, they opened fire. The applicant was apprehended at the spot and allegedly recovered with an unlicensed 30-bore pistol, which led to registration of FIR No.49/2025 under Section 25 of the Sindh Arms Act, 2013.
 - c) The defence has contended that the applicant was in fact arrested earlier by the police of PS Makhdoom Bilawal and CIA Dadu and was subjected to a police encounter wherein he sustained a firearm injury on his left leg, due to which he was shifted from District Jail Dadu to Central Jail Hyderabad for medical treatment.
 - d) It is noteworthy that the applicant has been implicated in offences of similar nature with an identical pattern of allegations under Sections 324 and 353 PPC, attributed to the same complainant police officer, namely ASI Pyar Ali Shahani. The offence under the Sindh Arms Act appears to be a consequential offshoot of the main allegation.
 - e) Although police officials are competent witnesses, yet admittedly the alleged places of occurrence are public locations; however, no independent private witness has been cited by the prosecution, which creates a question requiring deeper examination at trial.
 - f) Despite the allegation of indiscriminate firing, no injury has been reported to any member of the police party. Therefore, the applicability of Section 324 PPC, which relates to attempt to commit *qatl-i-amd*, *prima facie*, calls for further determination after recording evidence at trial.
 - g) The offence under Section 353 PPC is bailable and carries a maximum punishment of two years' imprisonment, while the lesser punishment of the offence under Section 25 of the Sindh Arms Act,

2013 is to be considered at bail stage; as such, it also does not fall within the prohibitory clause of Section 497 Cr.P.C.

- h)** The applicant is in custody and there is nothing on record to suggest that the trial is likely to conclude in the near future. Continued incarceration for an indefinite period would amount to punishment before conviction, which is not permissible under the settled principles of criminal jurisprudence.
- i)** It is a well-established principle that in cases not falling within the prohibitory clause, grant of bail is a rule and refusal is an exception and no exceptional circumstances have been brought on record which would justify denial of bail in the present case.

4. In view of the above discussion, I am of the considered view that the applicant has made 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. These are the reasons for the short orders dated 11.03.2026.

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

JUDGE