

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1484 of 2025

Applicant : Sunny son of Sadiq through Mr. Muhammad Aqib Soomro, Advocate

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

Date of hearing : 04.12.2025

Date of decision : 04.12.2025

O R D E R

Jan Ali Junejo, J.- This Criminal Bail Application has been filed under Section 497, Cr.P.C., seeking post-arrest bail in FIR No.1038 of 2024, registered at Police Station Gulistan-e-Johar, Karachi, for the offence punishable under Section 24 of the Sindh Arms Act, 2013. The earlier bail application filed by the applicant was dismissed vide order dated 30-05-2025, passed by the learned Xth Additional Sessions Judge, Karachi-East, in Sessions Case No.934 of 2025.

2. The prosecution case, in brief, is that during investigation of FIR No.1012 of 2024, registered under Sections 302/324/201/202/34 PPC at Police Station Gulistan-e-Johar, Karachi, the applicant allegedly made a disclosure regarding use of a 9mm pistol. It is claimed that, on such pointation, the police recovered the said pistol from an open and accessible public place, namely the bushes of Baloch Ground, Hazara Goth. Thereafter, a separate FIR No.1038 of 2024 under Section 24 of the Sindh Arms Act, 2013 was lodged by ASI Zahid Hussain of Police Station Gulistan-e-Johar, Karachi, against the applicant.

3. Learned counsel for the applicant contended that the applicant is innocent. He argues that the alleged recovery was not effected from the physical or exclusive possession of the applicant but from an open public place. He further argues that the case is entirely based on alleged disclosures made before the police, which are inadmissible in evidence. He contends that the applicant has already been granted bail by

this Court in the main murder case, wherein his role has been confined to Sections 201 and 202 PPC. He further contends that co-accused Talha Ahmed, having a similar role regarding alleged concealment and pointation, has also been admitted to bail on the principle of consistency. He argues that ownership, possession, control and use of the alleged weapon are seriously disputed and require further inquiry. He further argues that the investigation officer neither examined the alleged transferee of the weapon nor produced verification from the Home Department. Lastly, he contends that the applicant has been in custody since his arrest and is no longer required for investigation. On these grounds, he prays that the case falls within the ambit of further inquiry under Section 497(2), Cr.P.C., and the applicant be granted bail.

4. Conversely, learned Additional Prosecutor General opposed the bail application on the ground that the weapon allegedly used in the commission of the offence was recovered on the pointation of the applicant. She contends that the applicant was the licensee of the recovered weapon and, therefore, *prima facie* connected with the offence. However, she fairly concedes that the recovery was not effected from the exclusive possession of the applicant and that the applicant has already been admitted to bail by this Court in the connected murder case. On these grounds, she prays that the bail application be dismissed.

5. I have considered the arguments advanced by the learned counsel for the applicant as well as the learned Additional Prosecutor General for the State and have carefully examined the record with a tentative assessment, which is permissible at the bail stage. A perusal of the material available on record *prima facie* reveals several circumstances creating reasonable doubt regarding the guilt of the applicant, *inter alia*: (a) the alleged recovery has been effected from an open and accessible public place and not from the exclusive or conscious possession of the applicant; (b) the mashirs of recovery are police officials only and no independent witness from the locality has been associated; (c) the questions of ownership, possession, control and use of the alleged weapon by the applicant at the relevant time are seriously disputed and require evidence to be resolved at trial; (d) the alleged disclosure statements attributed to the applicant before the police are *prima facie* hit by Article 38 of the Qanun-e-Shahadat Order, 1984; (e) the applicant has already been granted bail by this Court in FIR No.1012 of 2024, wherein the allegation regarding use of the weapon has been substantially diluted; (f) a co-accused having a similar role has been granted bail on the principle of consistency; and (g) the applicant has remained in custody for

a considerable period and the challan has already been submitted. In these circumstances, further detention of the applicant for an indefinite period would not serve any useful purpose.

6. Although the offence under Section 24 of the Sindh Arms Act, 2013 falls within the prohibitory clause, yet, at this stage, the material available on record attracts the rule of further inquiry as envisaged under Section 497(2), Cr.P.C. In the given circumstances, this Court is of the considered view that the applicant has made out a *prima facie* case calling for further inquiry and, therefore, is entitled to the concession of bail.

7. For the reasons recorded above, this Criminal Bail Application is allowed and the applicant, Sunny son of Sadiq, is admitted to bail in FIR No.1038 of 2024, under Section 24 of the Sindh Arms Act, 2013, registered at Police Station Gulistan-e-Johar, Karachi, subject to his furnishing a solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) along with a P.R. bond in the like amount to the satisfaction of the learned trial Court. The observations made herein are tentative in nature and confined to the determination of the bail application only. The learned trial Court shall not be influenced thereby and shall decide the case strictly in accordance with law on the basis of evidence led before it. These are the detailed reasons for the short order dated 04.12.2025.

JUDGE

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