

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1123 of 2026.

Criminal Bail Application No. 1124 of 2026.

Applicant : Meer Kamran Samdani through Mr. Tahir Nawaz, Advocate.

Respondent : The State through Mr. Mohammad Noonari, D.P.G. Sindh

Date of hearing : 11.05.2026.

Date of order : 11.05.2026.

O R D E R

TASNEEM SULTANA, J:- Through this common order, I intend to dispose of the above-captioned post-arrest bail applications emanating from Crime No.481 of 2025 registered under Sections 353, 324, 34 P.P.C. and Crime No.483 of 2025 registered under Section 23(1)(a) of the Sindh Arms Act, 2013 at Police Station Garden, Karachi, as both matters arising out of the same transaction and are based upon connected evidence. Earlier, post-arrest Bail Application Nos.1204 and 1221 of 2026 filed by the applicant were declined by the learned Additional Sessions Judge-VI, Karachi South, vide order dated 03.04.2026; hence, the present applications for the same concession.

2. Brief facts of the prosecution case are that complainant SIP Ghazi Bashir Ahmed Khan along with police party was allegedly performing patrolling duty within the limits of Police Station Garden, Karachi on 21.11.2025 when at about 0300 hours he received information from a secret informer that certain armed persons involved in street crimes and robberies were present near Mirza Adam Khan Road close to Dhobi Ghat, Lyari Expressway, Karachi. Acting upon the pointation of the secret informer, the complainant along with police party allegedly proceeded towards the pointed place near Dhobi Ghat, Lyari Expressway, Karachi where upon suspicion they signalled the accused persons to stop, who allegedly resorted to firing upon police officials with intention to commit qatl-i-amd and to deter them from discharge of official duties. In retaliation, the police party also made firing as a result whereof present applicant Meer Kamran Samdani @ Kami and co-accused Abid Abbas allegedly sustained firearm injuries on their legs and were apprehended at the spot whereas remaining accused persons managed to escape. It is further

alleged that from possession of present applicant one 30 bore pistol along with live rounds was recovered, whereafter separate FIR under Section 23(1)(a) of Sindh Arms Act, 2013 was also registered and after usual investigation challan has been submitted before the learned trial Court.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated by the police; that despite allegation of direct firing no police official sustained firearm injury whereas injuries were allegedly caused only to the applicant and co-accused; that no private mashir or independent witness has been associated despite alleged occurrence at a populated locality; that FIR No.483 of 2025 under Section 23(1)(a) of Sindh Arms Act is merely an off-shoot case of FIR No.481 of 2025; that challan has already been submitted and applicant is no more required for investigation; that the case of the applicant falls within the ambit of further inquiry; and lastly prayed for grant of post-arrest bai

4. Conversely, learned Dupty Prosecutor General opposes the bail applications and contends that the applicant was arrested at the spot during police encounter; that unlicensed 30 bore pistol along with live rounds was recovered from his possession; that ballistic and Chemical Examiner reports support the prosecution case; that the applicant is specifically nominated with assigned role in the FIR; that sufficient incriminating material is available on record connecting the applicant with commission of alleged offences; therefore, the applicant is not entitled to concession of bail.

5. Heard learned counsel for the applicant as well as learned D.P.G for the state and perused the material available on record.

6. It appears that the entire prosecution case revolves around an alleged police encounter. Despite the allegation that the accused persons resorted to firing upon police officials with the intention to commit qatl-i-amd and to deter them from discharge of official duties, no police official sustained any firearm injury during the occurrence. The only injuries sustained in the incident are upon the legs of the present applicant and co-accused Abid Abbas. Even no scratch or injury has been received by any member of the police party, nor any bullet mark appears to have been found upon the police mobile. Moreover, the offence under Section 353, P.P.C. is bailable in nature. Under such circumstances, it is yet to be determined during trial as to whether the essential ingredients constituting the offence under Section 324, P.P.C. are attracted in the present case or otherwise; therefore, the matter calls for further inquiry within the contemplation of Section 497(2), Cr.P.C.

7. So far as Crime No.483 of 2025 registered under Section 23(1)(a) of the Sindh Arms Act, 2013 is concerned, the allegation against the applicant is that from his possession one 30-bore pistol without licence was recovered

during the course of the same incident. Prima facie, the said case appears to be an offshoot and derivative case arising out of the main FIR. The entire recovery proceedings are stated to have been conducted by the same police party and all the mashirs of arrest and recovery are police officials. Although the evidence of police officials cannot be discarded merely on account of their official status, however, such evidence requires cautious scrutiny particularly where no independent witness from the locality has been associated despite the alleged incident having taken place at a populated area near Lyari Expressway and Dhobi Ghat. Whether the alleged encounter and recovery had actually taken place in the manner alleged by the prosecution or otherwise is a matter to be determined after recording evidence at trial.

8. The applicant is behind bars since 21.11.2025; challan has already been submitted before the learned trial Court; and the applicant is no more required for further investigation. Nothing has been brought on record showing that in case of release on bail the applicant is likely to abscond or tamper with the prosecution evidence. Although the prosecution has placed on record the C.R.O. of the applicant, however, mere pendency of criminal cases, by itself, cannot automatically disentitle an accused from the concession of bail if otherwise the case falls within the ambit of further inquiry.

9. In view of the above facts and circumstances of the case, the applicant has succeeded in making out a case of further inquiry within the contemplation of Section 497(2), Cr.P.C. Consequently, the instant bail applications are allowed and the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) in each case and P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. Needless to observe that the observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

JUDGE