

# IN THE HIGH COURT OF SINDH KARACHI

**Cr. Bail Application No.173 of 2026**

**Cr. Bail Application No.174 of 2026**

Applicant : Abdul Samad son of Muhammad Nadeem  
Through Mr. Amjad Hussain Qureshi,  
Advocate

Respondent : The State  
Through Mr. Ali Raza Abbasi, APG

Date of hearing : 07.05.2026  
Date of order : 07.05.2026

## **ORDER**

**MIRAN MUHAMMAD SHAH, J:-** This order disposes of captioned two criminal bail applications filed by the applicant, Abdul Samad son of Muhammad Nadeem, seeking post-arrest bail. Cr. B.A.No.173/2026 arises out of Crime No.642/2024, u/s 324, 353 and 34 PPC, PS Pakistan Bazar, and Cr.B.A.No.174/2026 arising out of Crime No.643/2024, u/s 23(i)(A) SAA 2013, PS Pakistan Bazar. Since in both the applications/Crimes, applicant is same and registered at the same police station, therefore, for the sake of convenience, consistency, and to avoid conflicting findings, both these applications are being decided through this single consolidated order. It is also pertinent to mention that earlier the bail applications filed by the applicant for the same relief, were dismissed by the learned Additional Sessions Judge-II, Karachi West, vide orders dated 16.12.2025.

2. The facts of the case, necessary for the disposal of the present bail applications, are that on 24.12.2024, an alleged encounter took place between the police officials of P.S. Pakistan Bazar and the present applicant along with his companions. During the said encounter, the applicant, Abdul Samad, and co-accused Muhammad Abbas were allegedly arrested at the spot, while their three accomplices fled away. It is alleged that an unlicensed 9 mm pistol was recovered from the possession of the applicant, Abdul Samad, whereas

another unlicensed 9 mm pistol was recovered from the possession of co-accused Muhammad Abbas. Consequently, the aforesaid cases were registered against the present applicant and his co-accused.

3. Heard learned counsel for the applicant, learned APG, and perused the available record.

4. According to the prosecution case, an encounter took place between the police party and the applicant/accused; however, it is noteworthy that none from either side sustained any injury, nor any damage was caused to the police vehicle or any surrounding property which makes the alleged encounter doubtful. It is also surprising to note that, according to the prosecution, five accused persons allegedly resorted to firing upon the police party; however, only one 30 bore bullet was recovered from the place of incident which also renders the prosecution case doubtful. Moreover, although the prosecution claims that the police had prior information regarding the presence of the accused persons at the pointed place with the intention to commit an offence, but no independent person either from the place of information or from the place of incident was associated as a witness or mashir. This omission also creates a dent in the prosecution story. The veracity or otherwise of the allegations levelled by the complainant shall be determined by the learned trial Court after recording evidence. At this stage, however, the benefit of doubt must go in favour of the applicant. Furthermore, the offence punishable under Section 353, P.P.C. is admittedly bailable, whereas the applicability of Section 324, P.P.C. can only be determined after the parties lead their respective evidence during trial. The investigation has already been completed and the challan has been submitted before the competent Court. The applicant is, therefore, no longer required for any further investigation. Since the trial is likely to consume considerable time for its conclusion, the applicant cannot be kept behind bars for an

indefinite period merely on the basis of allegations which are yet to be proved. Consequently, both bail applications were allowed, and the applicant was admitted to bail subject furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) in each case and P.R. bond in the like amount, to the satisfaction of the trial court.

5. Needless to mention here that the observations made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits.

Office is directed to place assigned copy of this order in the captioned connected matter.

**JUDGE**

Suleman Khan/PA

