

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS**

Cr. Bail Application No. S-331 of 2026

**Applicant:** Sabir Husain s/o Illahi Bux  
Through Mr. Hussain Bux Saryo advocate.

**Respondent:** The state through Mr. Ghulam Abbas Dalwani,  
learned D.P.G.

**Date of Hearing:** 09.07.2026

**Date of Order:** 09.07.2026

**ORDER**

**KHALID HUSSAIN SHAHANI, J:-** Applicant, Sabir Hussain seeks post-arrest bail in Crime No.135/2026, registered under Section 23(i)(a) of the Sindh Arms Act, 2013, at P.S. Umerkot City, the concessional relief sought having been declined by the learned Additional Sessions Judge, Umerkot, per order dated 12.06.2026.

2. The prosecutorial edifice, as constructed upon the recitals of the First Information Report, discloses that in the course of investigation into the antecedent Crime No. 133 of 2026, registered under Sections 324, 398, and 401, P.P.C at P.S, Umerkot city, an unlicensed firearm was ostensibly recovered from the corporeal possession of the applicant, a circumstance which precipitated the registration of the instant offence under the aforesaid Arms Act.

3. Learned counsel for the applicant, propounding his case with palpable ardour, submitted that the applicant has been made the unwitting victim of a contrivance calculated to fabricate criminal liability where none subsists. He contended that although the F.I.R. recites, in somewhat theatrical terms, an armed confrontation between the police contingent and the applicant's compatriots, the

absence of any spent cartridge militates decisively against the credibility of such a narrative. He further averred, with considerable insistence, that the alleged recovery was foisted upon the applicant as a retributive consequence of his refusal to satisfy an extraneous and illegitimate pecuniary demand, and accordingly besought the indulgence of this Court in the matter of bail.

4. In riposte, the learned Deputy Prosecutor General, controverting the foregoing with equal conviction, maintained the authenticity of the recovery and asseverated that the applicant, by reason thereof, stands disentitled to the concession sought.

5. Having afforded audience to learned counsel for the applicant and to the learned D.P.G., and having subjected the record to anxious and studied scrutiny, this Court is constrained to observe that the recovery alleged, notwithstanding its purported situs within a public thoroughfare, was unattended by the presence of any independent witness, an omission that is neither trivial nor inconsequential, but one which casts an appreciable penumbra of doubt over the probity of the recovery proceedings, thereby satisfying the threshold contemplated by the phrase "further inquiry" as embodied in subsection (2) of Section 497, Cr.P.C.

6. It further bears observation that the applicant stands contemporaneously enlarged on bail in the cognate substantive prosecution (Crime No. 133 of 2026), vide order pronounced on even date in Criminal Bail Application No. S-330 of 2026. The ratio decidendi propounded in *Sajjad Ali Maitlo v. The State* (2022 P.Cr.L.J. Note 74) is, in the estimation of this Court, of unerring application, it having been therein authoritatively enunciated that

the concession of bail in respect of the principal offence ordinarily and by parity of reasoning extends, *mutatis mutandis*, to ancillary or offshoot prosecutions arising from a common transactional matrix.

7. No antecedent criminality has been imputed to the applicant, and the investigative process stands, in its entirety, consummated. In such circumstances, the perpetuation of pre-trial incarceration would operate to subvert the foundational and inviolable presumption of innocence, and would, moreover, constitute an unwarranted encroachment upon the guarantee of personal liberty enshrined within Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973. The venerable jurisprudential maxim that bail is to be regarded as the rule, and incarceration *pendente lite* the exception assumes, in the peculiar facts of this case, an especial and abiding resonance.

8. Cumulatively, and eschewing any premature adjudication upon the ultimate merits of the prosecution's case, the material extant upon the record impels this Court to the ineluctable conclusion that the accusation levelled against the applicant is, at the very minimum, enshrouded in sufficient equivocation as to attract the salutary principle of further inquiry envisaged under Section 497(2), Cr.P.C. The applicant is, in consequence, adjudged deserving of the indulgence sought.

9. In consequence whereof, the instant Criminal Bail Application is allowed. Accordingly, the applicant, Sabir Hussain s/o Illahi Bux, be enlarged on post-arrest bail upon his furnishing a solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only), together

with a personal bond in like amount, to the satisfaction of the learned trial Court.

10. It is, for the avoidance of doubt, unequivocally clarified that the observations recorded hereinabove are of a tentative and provisional character, confined exclusively to the disposition of the instant bail petition, and shall not, in any manner whatsoever, be construed so as to fetter, prejudice, or otherwise influence the independent determination of the learned trial Court upon final adjudication of the matter.

**JUDGE**

"Chander Kumar"