

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

Criminal Bail Application No.S-377 of 2026

Applicant: Shoukat son of Khan Muhammad.
Through Mr. Abdul Hafeez Mari, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of hearing: 24.07.2026

Date of Order: 24.07.2026

O R D E R

KHALID HUSSAIN SHAHANI, J.— The applicant seeks post-arrest bail in Crime No. 121 of 2026, registered under Section 23(i)(a) of the Sindh Arms Act, 2013, at Police Station Khipro, after an identical prayer was declined by the learned Additional Sessions Judge, Khipro, vide order dated 29.06.2026.

2. The prosecution case is that on 29.04.2026, at about 9:00 p.m., near New Sabzi Mandi on Khipro Bypass Road, the applicant was apprehended during a police patrol and, upon personal search, allegedly found in possession of one unlicensed .30-bore T.T. pistol with a magazine containing two live cartridges, leading to registration of the instant F.I.R.

3. Learned counsel for the applicant contends that the case property has been foisted; that the F.I.R. was lodged after an unexplained one-hour delay despite the police station lying merely a kilometer away; that no independent mashir was associated with the recovery despite the locality being densely populated; and that no video recording of the proceedings was made despite readily available technology, rendering the prosecution version wholly dependent on police testimony.

4. Learned D.P.G. has opposed the application, citing the gravity of the accusation.

5. Having heard both sides and examined the record, this Court finds that the prosecution case rests solely on police testimony, unsupported by any independent mashir despite the availability of public witnesses at the site. The unexplained delay in lodging the F.I.R., coupled with the absence of any video documentation of the recovery, casts doubt on the prosecution version at this tentative stage. Whether the recovery is genuine or fabricated is a disputed question of fact requiring evidence, and falls outside the scope of a bail hearing under Section 497, Cr.P.C.

6. These circumstances, taken cumulatively, bring the case within the ambit of further inquiry under Section 497(2), Cr.P.C. Investigation is complete, the challan has been submitted, and the applicant's continued custody serves no further purpose.

7. For the foregoing reasons, this bail application succeeds and is allowed. The applicant shall be released on post-arrest bail upon furnishing solvent surety in the sum of Rs. 50,000/- (Rupees fifty thousand only), together with a personal recognizance bond in like amount, to the satisfaction of the learned trial Court.

8. The observations herein are tentative and shall not be construed as an expression of opinion on the merits, determination whereof rests exclusively with the learned trial Court, uninfluenced by anything stated above.

JUDGE

Adnan Ashraf Nizamani