

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.3258 of 2025**

Applicant : Attaullah @ Atta Hussain,  
Through: Mr. Muhammad Rahib  
Lakho, advocate.

The State : The State: Through Ms. Amna Ansari,  
Additional Prosecutor General, Sindh

Date of hearing : 09.03.2026

Date of Order : 09.03.2026

### **ORDER**

**Jan Ali Junejo, J:**-- Through this order, I intend to dispose of the instant post-arrest bail application filed by the above-named applicant, who seeks his release on bail in case FIR No.18/2025, registered at Police Station Garho, District Thatta, for offences punishable under Sections 23(1)(a) & 25 of the Sindh Arms Act, 2013, after his earlier bail application was declined by the learned 1st Additional Sessions Judge / Model Criminal Trial Court, Thatta, vide order dated 28.10.2025.

2. Briefly, as per contents of the FIR, the complainant Inspector Sain Dino Burero, SHO PS Garho, alleged that on 11.04.2025, during interrogation in another case, the applicant disclosed his involvement in a prior murder incident and further led the police party to a place at Rajab Magsi Farm, where he allegedly recovered a T.T. pistol from a concealed spot in a jungle area. Upon inspection, two live bullets were found in the magazine, and as the applicant failed to produce any license, the said weapon was taken into custody, thereby attracting offences under the Sindh Arms Act, 2013.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. It was argued that no recovery was effected from the conscious possession of the applicant and the alleged recovery has been foisted upon him to strengthen the main case. He further argued that the recovery was allegedly made after an unexplained delay of about 64 days, which makes the prosecution story doubtful. It was also contended that the mashirs are not independent persons, thereby violating Section 103 Cr.P.C. Learned counsel submitted that the applicant remained in police custody for several days but did not disclose anything initially, and the subsequent disclosure is artificial and concocted. He maintained that the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C. and prayed for grant of bail.

4. Conversely, learned Additional Prosecutor General opposed the bail application and submitted that the applicant himself led to the recovery of an unlicensed pistol along with live bullets, which connects him with the offence. She further argued that the recovered weapon has been sent to the Forensic Science Laboratory and the report supports the prosecution case. It was contended that the applicant is also involved in a heinous offence of murder wherein the same weapon was allegedly used. She, therefore, prayed for dismissal of the bail application.

5. I have heard the learned counsel for the parties and have perused the available record with their assistance. The record

reflects that the alleged recovery of weapon was not effected from the direct or exclusive possession of the applicant but from an open place, allegedly on his pointation, after considerable delay. Such recovery, made after about two months of the alleged occurrence, prima facie creates doubt regarding its authenticity, particularly when the place of recovery was accessible to others.

6. It is also noteworthy that the mashirs of recovery are not shown to be independent persons of the locality, which diminishes the evidentiary value of the mashirnama at this stage. Furthermore, the applicant remained in police custody for a few days prior to the alleged disclosure but did not initially confess or point out the weapon, which further adds to the doubt regarding the prosecution story.

7. At this stage, the question as to whether the recovery was genuinely made on the pointation of the applicant or has been foisted upon him requires deeper appreciation of evidence, which can only be undertaken at trial. Thus, without making any tentative assessment of the merits of the case, it appears that sufficient grounds exist to treat the case as one of further inquiry within the meaning of Section 497(2) Cr.P.C.

8. The applicant is in custody for a considerable period and the trial is likely to take time. No exceptional circumstances have been pointed out which would justify further detention of the applicant at this stage.

9. For the foregoing reasons, the instant bail application is allowed. The applicant Attaullah alias Atta Hussain is admitted to bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a P.R. bond in the like amount to the satisfaction of the trial Court. It is, however, clarified that all observations hereinabove are purely tentative and confined to the adjudication of the present bail application. Nothing stated in this Order shall be construed as an opinion on the merits of the case, and the trial Court shall proceed independently, uninfluenced by any observations contained herein. These are the detailed reasons for the short order dated 09.03.2026.

**JUDGE**