

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.449 of 2026
Criminal Bail Application No.450 of 2026
Criminal Bail Application No.501 of 2026
Criminal Bail Application No.511 of 2026

Applicant : Gohar Ali, Through:
Mr. Muhammad Haseeb Jamali,
advocate

Applicants : Adam son of Yousuf and Usman son
of Yousuf ur Rehman, Through:
Mr. Shah Imroz Khan, advocate

Applicant : Shah Faisal Khan, Through:
Mr. Imdad Ali Saheto, Advocate

The State : The State: Through Mr. Muhammad
Mohsin, A.P.G., Sindh a/w I.O.
Inspector Momin.

Date of hearing : 20.02.2026

Date of Order : 20.02.2026

ORDER

Jan Ali Junejo, J:-- Through this common order, I propose to dispose of the above captioned four post-arrest bail applications, namely Criminal Bail Application Nos.449, 450, 501 and 511 of 2026, as the same arise out of connected allegations and were heard together with the consent of learned counsel for the parties. The applicants are stated to be involved in FIR No.74 of 2026 under Sections 147, 148, 149, 186, 324 and 353, PPC and FIR No.75 of 2026 under Section 23(1)(a) of the Sindh Arms Act, 2013, both registered at Police Station Korangi Industrial Area, Karachi. The present applications have been filed after dismissal of their post-arrest bail applications by the learned Sessions Judge, Karachi East through order dated 09.02.2026.

2. Briefly stated, the prosecution case as reflected from FIR No.74 of 2026 is that the complainant ASI Muhammad Tufail, while on patrol duty along with other police officials, reached near the TMC Office situated in Sector-8/A, Korangi Industrial Area, Karachi, where it was alleged that certain persons including the present applicants were addressing a gathering against the State. Upon being restrained, the accused persons allegedly attacked the police party with sticks, dandas and firearms, thereby obstructing the police officials in discharge of their official duties. The police allegedly resorted to firing to control the situation and succeeded in apprehending several accused persons including the present applicants. It is further alleged that from the possession of accused Goher Ali, a 30-bore pistol with live rounds was recovered, which resulted in registration of FIR No.75 of 2026 under the Sindh Arms Act.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated in the present case. It was argued that the allegations against the applicants are general and no specific role has been attributed to them in the FIR. It was further submitted that except the alleged recovery attributed to accused Goher Ali, no weapon or incriminating article has been recovered from the other applicants. Learned counsel further argued that despite the allegation of exchange of firing, no injury has been caused to any person nor any damage to property or police vehicle has been shown, which creates

doubt about the prosecution story. It was therefore prayed that the applicants be admitted to post-arrest bail.

4. Conversely, learned D.P.G. Sindh opposed the grant of bail and submitted that the applicants were part of an unlawful assembly which attacked the police party and obstructed them from performing their lawful duties. He further contended that the applicants were arrested at the spot and are specifically nominated in the FIR; therefore they do not deserve the concession of bail. Lastly, the learned D.P.G. prayed for dismissal of bail applications.

5. I have heard learned counsel for the parties and perused the material available on record with their assistance. At the bail stage, only a tentative assessment of the material is to be made without undertaking deeper appreciation of evidence. Tentative perusal of the record shows that the allegations against most of the applicants are general and omnibus in nature, without assigning any specific overt act to them. Moreover, except the alleged recovery attributed to accused Goher Ali, no weapon or incriminating article has been recovered from the possession of the other applicants. It is also significant to note that, despite the allegation of an exchange of fire, no injury was caused to any person, nor has any damage to property been shown on record. The case, therefore, appears to be one of ineffective firing, which, prima facie, casts doubt upon the prosecution's version and calls for a deeper appreciation of the evidence during trial.

6. So far as the allegation against accused Goher Ali under Section 23(1)(a) of the Sindh Arms Act, 2013 is concerned, the record reflects that the prosecution has alleged recovery of an unnumbered 30-bore pistol, however, the FIR and recovery memo do not disclose any complete description, make, model, or identifiable particulars of the weapon. In absence of such description, it cannot be determined at this stage whether the alleged weapon falls within the prohibitory category attracting the provisions of Section 23 or within the lesser category contemplated under Section 24 of the Sindh Arms Act, 2013, both of which carry different punishments. In such circumstances, the settled principle of law is that for the purpose of bail, the lesser punishment is to be taken into consideration, which renders the case one of further inquiry within the meaning of Section 497(2), Cr.P.C.

7. Furthermore, the question regarding the nature, category and legality of the alleged weapon is a matter which requires proper proof during trial through evidence and forensic examination, therefore the same cannot be conclusively determined at this stage.

8. It is a settled principle of law that bail cannot be withheld as a measure of punishment, and where the case requires further inquiry, the accused becomes entitled to the concession of bail.

9. For the foregoing reasons and tentative assessment of the material available on record, Criminal Bail Application Nos.449, 450, 501 and 511 of 2026 are allowed. Consequently: the Applicants Adam son of Yousuf and Usman son of Yousuf ur Rehman (in Cr.

Bail Application No.501 of 2026), Shah Faisal Khan son of Haji Muhammad Ayub Khan (in Cr. Bail Application No.511 of 2026), and Goher Ali son of Fareed Ali Khattak (in Cr. Bail Application Nos.449 & 450 of 2026), are admitted to post-arrest bail in FIR No.74 of 2026 under Sections 147, 148, 149, 186, 324 and 353, PPC and FIR No.75 of 2026 under Section 23(1)(a) of the Sindh Arms Act, 2013, registered at Police Station Korangi Industrial Area, Karachi, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and P.R. bond in the like amount to the satisfaction of the learned trial Court. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail application, and shall not prejudice the case of either party during the course of trial. These are the detailed reasons for the Short Order dated 20.02.2026.

JUDGE