

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3449 of 2025

Applicant : Ali Raza, Through: Mr. Muhammad Hanif Qureshi, Advocate.

The State : The State: Through: Mr. Qamar-ud-, Din Nohri, Deputy Prosecutor General, Sindh

Date of hearing : 17.03.2026

Date of Order : 17.03.2026

ORDER

Jan Ali Junejo, J:-- By this order, I intend to dispose of the post-arrest bail application filed under Section 497 Cr.P.C. by the applicant/accused Ali Raza, who seeks his release on bail in case FIR No.462/2025 registered under Section 23(i)(a) of the Sindh Arms Act, 2013 at Police Station Shah Faisal Colony, Karachi, after his bail application was declined by the learned IV-Additional Sessions Judge, Karachi East, vide order dated 14.10.2025.

2. Briefly, as per contents of the FIR, on 12.09.2025 at about 0200 hours, complainant ASI Muhammad Shahid, along with police party, during patrolling duty, received spy information regarding the presence of the accused allegedly involved in another criminal case. Acting upon such information, the police party reached near MCB Bank "C" Center, Shah Faisal Colony No.3, Karachi, where the accused was apprehended. Upon personal search, conducted in presence of police officials due to non-availability of private witnesses, one 30 bore pistol without number, along with a magazine containing two live rounds, was allegedly recovered from

the fold of his shalwar. The accused failed to produce any license for the said weapon, whereafter the same was secured and sealed at the spot and the instant FIR was lodged against him.

3. Learned counsel for the applicant, while reiterating the grounds mentioned in the bail application, contended that the applicant is innocent and has been falsely implicated with mala fide intention. It was argued that no independent mashir from the locality was associated with the alleged recovery, making the prosecution case doubtful. He further submitted that the alleged weapon was not shown to be in working condition, and the applicability of the Sindh Arms Act, 2013 is itself questionable. It was further argued that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C., as the maximum punishment does not exceed ten years. Learned counsel also contended that the case requires further inquiry within the meaning of Section 497(2) Cr.P.C., particularly in view of alleged procedural irregularities, absence of roznamcha entries, and reliance solely upon police witnesses. He lastly prayed that the applicant be admitted to bail.

4. Conversely, learned Deputy Prosecutor General opposed the bail application and contended that the applicant was apprehended on the pointation of spy information and an unlicensed weapon was recovered from his possession, which connects him with the commission of offence. It was further argued that the applicant is also nominated in a serious offence of robbery bearing Crime No.457/2025 under Sections 397/34 PPC, wherein he has been

identified during identification parade. Learned DPG submitted that sufficient incriminating material is available on record, and the offence falls within the prohibitory clause; therefore, the applicant is not entitled to concession of bail. He prayed for dismissal of the bail application.

5. I have heard learned counsel for the parties at considerable length and have carefully gone through the record available on file. It is an admitted position that the case of the prosecution rests entirely upon the alleged recovery of a 30 bore unlicensed pistol from the possession of the applicant. No private mashir was associated with the recovery proceedings despite the alleged place of arrest being a populated locality. The explanation furnished regarding non-availability of private witnesses appears to be a matter which requires deeper appreciation at trial. It is also noteworthy that all the mashirs of arrest and recovery are police officials, thus making the case one of further inquiry within the purview of Section 497(2) Cr.P.C., particularly at this tentative stage.

6. So far as the contention of the prosecution regarding involvement of the applicant in another criminal case is concerned, the same by itself is not sufficient to deny bail in the present case, particularly when the instant case is to be examined on its own merits. The question whether the recovered weapon was in working condition, procedural compliance, and veracity of the prosecution story are all matters which can only be determined after recording evidence at trial. At this stage, only tentative assessment is required.

In the overall circumstances, the case of the applicant appears to fall within the ambit of further inquiry.

7. For the foregoing reasons, the bail application is allowed. The applicant/accused Ali Raza S/o. Dawood 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 learned 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 17.03.2026.

JUDGE