

**HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD****Cr. Bail Application No.S-326 of 2026.***[Aijaz Ali Vs. The State]*

Applicant : Aijaz Ali **through** Mr. Abdul Azeem Abbasi,  
Advocate.

Respondent : The State **through** Mr. Khalid Hussain Lakho,  
Deputy Prosecutor General, Sindh.

Date of Hearing : 14.05.2026.

Date of Decision : 14.05.2026.

**ORDER**

**Syed Fiaz ul Hassan Shah, J :-** The Applicant above-named seeks post-arrest Bail in F.I.R No.570/2025, registered at Police Station Qasimabad, District Hyderabad for offence punishable under Section 324, 353, 34-PPC. Previously, he applied for the same relief before learned 1<sup>st</sup> Additional Sessions Judge, Hyderabad but the request was declined vide order dated 26.02.2026.

2. The allegations against the Applicant are that on 25.11.2025 at Zardari Mor near Railway line, Hyderabad applicant alongwith co-accused Javed @ Naveed Shoro in furtherance of common intention armed with deadly weapons used criminal force to the police party headed by ASI Mushtaque Ahmed Khaskheli, thereby obstructed them from discharging their lawful duty.

3. Learned counsel for applicant/accused states that this is a case of ineffective firing and the applicant/accused has falsely been implicated and foisted a pistol in separate case U/s 25 Sindh Arms Act, 2013, in which case, the applicant/accused has already been granted bail by the Trial Court.

4. On the other hand, learned Deputy Prosecutor General opposed the Bail Application and stated that the applicant/accused was involved in commission of offence for firing upon police party and was arrested on the spot and recovery of unlicensed pistol was also affected from the possession of applicant/accused, hence the applicant/accused is not entitled for concession of bail. However, learned D.P.G conceded that this is

a case of ineffective firing though the bullet and cartridges were also recovered from the crime scene.

5. Heard learned counsel for parties and perused the record with their assistance.

6. It is admitted fact that this is case of ineffective firing, where neither the applicant/accused side nor the police party have sustained any injury; however, the allegation of police encounter is yet to be determined by the Trial Court after recording of the evidence. As far as the recovery of weapon is concerned, the applicant/accused has already been granted bail in that case by the Trial Court. The offence falls outside the prohibitory clause of Section 497(1), Cr.P.C. The settled principle is that, in non-prohibitory offences, grant of bail is a rule and refusal an exception, subject to the existence of extraordinary circumstances such as likelihood of absconsion, tampering, or misusing the concession of bail. Moreover, all the prosecution witnesses appear to be police officials, and no sincere effort seems to have been made by the investigating agency to associate any independent witness from the locality to witness the alleged occurrence or recovery. In such circumstances, the possibility of the applicant tampering with the prosecution evidence appears to be remote. The applicant has made out a case for further enquiry in terms of subsection (2) of Section 497, Cr.P.C. The investigation has already been completed and the charge sheet/challan has been filed with the trial Court; therefore, the Applicant is no more required for investigation and no fruitful would be achieved by keeping incarceration the Applicant for indefinite period.

7. In view of above, the present applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R Bond in the like amount to the satisfaction of learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant/accused on merits.

**J U D G E**