

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-401 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: Shaman Ali S/O Muhammad Bux Kandrani
Through Mr. Alam Sher Bozdar Advocate.

The State: Through Mr. Muhammad Raza Katohar D.PG.

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Date of hearing & order: **22.09.2026.**

Suresh Kumar J:- Through this Crl. bail application applicant/accused Shaman Ali Kandrani seeks his post-arrest bail in Crime No.21/2026 for an Offence Punishable U/S 24 of Sindh Arms Act,2013 registered at Police Station, Salehpat, District Sukkur.

2. Concisely, the facts of the prosecution, as depicted in the FIR, are that on 26.02.2026, complainant ASI Saindino Chachar lodged an FIR on behalf of the State at PS Salehpat, stating that the applicant/accused Shaman Ali, while in police custody, was interrogated during which he admitted his guilt in causing a firearm injury to the injured Fida Hussain. He disclosed that he had hidden the pistol near the wall of his house and was ready to produce it as the crime weapon. The complainant, along with his staff named in the FIR, left PS under Roznmacha entry No. 06 at 1300 hours and proceeded to the indicated location, where the applicant/accused retrieved the said .30 bore pistol and produced it before the complainant in the presence of mashirs PC Zulfiquar Ali and PC Asadullah. The pistol was found to contain three live bullets of .30 bore in its magazine, for which he failed to produce a valid license. The pistol was sealed on the spot. The accused, along with the recovered property, was then brought back to the PS, where the complainant lodged the FIR.

3. The applicant initially applied for grant of post arrest bail, which was dismissed by learned Assistant Sessions Judge, Rohri, vide order dated 16.03.2026. Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh at length. Learned D.P.G has strongly opposed the grant of post arrest bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned DPG, and having perused the relevant material available on record, it is revealed from the perusal of the FIR that an unlicensed pistol was produced by the applicant/accused upon his pointing out, for which Section 24 of the SAA, 2013 is applied in the FIR. The learned counsel for the applicant has mainly contended that no independent witness has been cited regarding the alleged recovery, despite sufficient time being available to the investigating officer to arrange for private mashirs; however, he failed to associate an independent witness for the attestation of the recovery of the unlicensed weapon. Admittedly, in the present case, the applicant/accused was already in police custody, and according to the prosecution, he volunteered to produce the weapon of offense near the wall of his house. However, the police did not associate any independent person from the locality to attest to the alleged recovery proceedings. No doubt the application of Section 103 Cr.P.C. is ousted under the act; yet, when a person is going to be charged with an offense for which the police have advance information, it is incumbent upon the police to associate an independent witness for the alleged recovery to avoid false implication. therefore, the case against applicant requires for further inquiry. In the case of Sajjad Ali v.The State (**2022 P Cr. L J 74**) has held as under:

“---S.497(2)---Sindh Arms Act (V of 2013), S.24----Possessing unlicensed weapons-----Bail, grant of---Further inquiry---Record showed that the present case was offshoot of main case registered under

Ss.302,114,148,149 & 337-H(2) PPC---if the place to be searched was already known and was situated nearby a locality, which was inhabited, then it become mandatory for the police officer to join independent witnesses from the locality and made search and recovery in their present---In the present case, accused/applicant was already in police custody and according to the prosecution he volunteered to produce offensive weapon from the room constructed over a fishpond, as such the police was aware of the place from where they had to make search ell in time---however, it was incumbent upon the investigating officer to join two or more responsible persons to witness the recovery to which they had failed and no explanation whatsoever had been given---- Prosecution had failed to establish the exclusive possession of the room as well as fish pond which was in access to general public---- offensive weapon was produced by the accused/applicant from the room construed over fish pond as such exclusive possession was not there----No doubt application of S.103 Cr.P.C was ousted under the Act yet when a person was going to be charged with the offence for which police had advance information then it was incumbent upon police office to associate two independent cum respectable witnesses from the locality for which no explanation had been furnished by the prosecution---- Accused had been granted bail in the main case and present case was an offshoot of said crime and prosecution had failed to associate the private mashirs for the recovery and had violated provision s as contained under S.103, Cr.P.C---Accused had successfully made out a prima facie case for his release on post-arrest bail---Bail application was allowed, in circumstances,

6. Similar view has been taken by this Court in the case of Dilawar v. The State **(2023 P.Cr.L.J 1684)**. Moreover, the applicant/accused has already granted bail in the main case bearing crime No.19/2026 of PS Salehpat, today, therefore, he is also entitled for grant of post arrest bail in the present off-shoot case.

7. For the foregoing reasons and guidance taken from the above case law, I am of the considered view that applicant/accused has made out his case for grant of post arrest bail. Consequently, the applicant/accused Shaman Ali is admitted to bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Fifty thousands) and PR bond in the like amount to the satisfaction of trial Court.

J U D G E