

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1701 of 2026

Applicants : Noor Muhammad S/o Jumma Khan
through Mr. Ahsan Ali, Advocate

Respondent : The State
through Mr. Ali Anwar, Addl. P.G.
Sindh a/w SIP Riaz Khan of DIG
CIA/CRO Branch

Date of hearing : 01.07.2026

Date of order : ____ .07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, the applicant/accused seek post-arrest bail in Crime No.28/2026 registered under Section 23(1)(A) of Sindh Arms Act, 2013 R/w Section 7 of ATA, 1997 of PS CTD, after his bail plea has been declined by the learned Judge, Anti-Terrorism Court No.II, Karachi vide order dated 16.04.2026.

2. The detailed facts of the case are already available in the bail application as well as FIR, therefore, the same need not to be reproduced hereunder.

3. Learned counsel for the applicant primarily contended that the applicant is innocent and has been falsely implicated in the present case. He submitted that the applicant was initially arrested in the main case bearing Crime No.24 of 2026, wherein the prosecution alleged recovery of a .30-bore pistol from his possession during personal search. He further argued that the final challan submitted by the police does not contain any material demonstrating that the applicant shared

any common intention, common object, design, or purpose to spread terror, coercion, or intimidation in society. Learned counsel further contended that the prosecution has placed heavy reliance upon the alleged disclosure and confessional statements purportedly made by the applicant while in police custody on 30.03.2026 regarding his alleged involvement in previous acts of subversion and his alleged affiliation with a proscribed organization. He further submitted that the applicant had been subjected to enforced disappearance and illegal detention by law-enforcement agencies on 28.01.2026 from Sinjhor, District Sanghar, nearly two months prior to the registration of the instant F.I.R. Lastly, it was argued that the investigation has already been completed and the final challan has been submitted before the competent Court; therefore, the applicant is no longer required for any further investigation. He accordingly prayed for the grant of post-arrest bail to the applicant. In support of his submissions, reliance was placed upon the cases reported as 2025 MLD 934 (*Inayat Ullah and another v. The State and another*), 2023 MLD 271 (*Hidayatullah alias Dili Jan and another v. The State*), and 2016 PCr.LJ 1605 (*Pervaiz Akhter v. The State*).

4. Conversely, the learned Additional Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the applicant, along with his co-accused, had been arrested in possession of a substantial quantity of arms and ammunition and was involved in terrorist activities; therefore, he was not entitled to the concession of post-arrest bail.

5. We have heard the learned counsel for the parties and have carefully examined the material available on the record.

6. A perusal of the record reveals that on 20.03.2026 at about 10:30 p.m., upon receiving credible spy information that seven to eight armed terrorists carrying explosives were present near Jumma Goth Railway Station, Bhains Colony, with the intention of committing terrorist activities, P.I. Zaffar Abbas Siyal informed his superior officers, called the Bomb Disposal Unit (BDU), and constituted a police party.

Thereafter, the police, accompanied by the BDU, proceeded to the pointed place where they allegedly found seven to eight suspicious persons. Upon noticing the police party, three suspects managed to escape under the cover of darkness, whereas five persons, namely, (i) Jhanwar, (ii) Jamik Khan, (iii) Ali Jan, (iv) Niaz, and (v) Noor Muhammad, were apprehended at the spot. Since no private person was available at that late hour, S.I. Sajid Ilyas and A.S.I. Naseer were associated as mashirs. During the search, one ready-condition IED each was allegedly recovered from accused Jhanwar and Jamik Khan and was taken into safe custody by the In-charge of the BDU. From the present applicant, a .30-bore pistol loaded with five live rounds was allegedly recovered. Thereafter, Inspector Zaffar Abbas lodged an F.I.R. on behalf of the State against the apprehended accused persons for offences punishable under Sections 4, 5 and 6 of the Explosive Substances Act, 1908, read with Section 7 of the Anti-Terrorism Act, 1997. Upon completion of the investigation, the Investigating Officer submitted a police report under Section 173, Cr.P.C. (challan) before the learned Administrative Judge, Anti-Terrorism Courts, Karachi, only against accused Jhanwar son of Yar Muhammad and not against the present applicant. A separate F.I.R., being Crime No.28 of 2026, was thereafter registered against the present applicant, and a separate police report under Section 173, Cr.P.C. was submitted in respect of Crime No.28 of 2026 under Section 23(i)(a) of the Sindh Arms Act, 2013, read with Section 7 of the Anti-Terrorism Act, 1997.

7. Admittedly, the applicant was not arraigned as an accused in the main case and was subsequently booked in the present case solely on the basis of the alleged recovery of a 30-bore pistol from his possession. However, when the learned Additional Prosecutor General was confronted with the query as to how the provisions of Section 7 of the Anti-Terrorism Act, 1997, could be attracted when the applicant had been booked for an offence under Section 23(i)(a) of the Sindh Arms Act, 2013, he was unable to furnish any

satisfactory explanation. Furthermore, all the aforesaid questions shall be determined by the learned trial Court at the stage of framing of charge and upon recording of evidence. Consequently, the case of the applicant/accused falls within the ambit of further inquiry.

8. The record further reflects that the investigation has already been completed and the final challan has been submitted before the learned trial Court. At this stage, there appears to be no material collected during the investigation demonstrating that the applicant shared any common intention, common object, or design with the co-accused to commit any terrorist act or to spread terror, coercion, or intimidation in society. The prosecution has primarily relied upon the alleged disclosure and confessional statements purportedly made by the applicant while in police custody, the evidentiary value and admissibility whereof shall be determined by the learned trial Court after recording evidence. Likewise, the questions as to whether the applicant was, in fact, associated with any proscribed organization or involved in any terrorist activity are matters requiring deeper appreciation of evidence during the trial. It is a settled principle of law that at the bail stage only a tentative assessment of the material available on record is to be undertaken and deeper appreciation of the evidence is not permissible.

9. In view of the foregoing discussion, we are of the considered opinion that the learned counsel for the applicant has succeeded in making out a case for the grant of post-arrest bail. Consequently, the instant bail application is allowed, and the applicant/accused named above is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence

the learned trial Court while deciding the case of the applicants on merits.

JUDGE

JUDGE

Kamran/PS