

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Applications Nos. S-443, 444 and 445 of 2026

Applicant : Pirbho through Mr. Muhammad Arif Jhandeer, Advocate.

Complainant : Ameer Bux through Mr. Mir Muhammad Nohri, Advocate (*in Crl. B.A No.S-443/2026*).

Respondent : The State through Mr. Neel Parkash, Deputy Prosecutor General Sindh.

Date of Hearing : 31.08.2026

Date of Order : 31.08.2026

ORDER

Muhammad Humayon Khan, J.: Pirbho, the Applicant, has been nominated by the Khipro Police Station, Mirpurkhas, in three FIRs namely: (i) FIR No. 239 of 2026 under Sections 337-F(vi), 394 and 34 of the P.P.C, (ii) FIR No.240 of 2026 under Sections 412, 324, 353 and 34 P.P.C and (iii) FIR No. 241 of 2026 under section 24 of the Sindh Arms Act. He seeks post-arrest bail in three cases, having been denied the said relief by the learned Court below.

2. FIR No.239 of 2026 is an injury case. The allegation is that, on 09.07.2026 at about 9:30 p.m., the Applicant, along with other co-accused and armed with pistol, stopped the complainant party and robbed them of a motorcycle. During the incident, injury was also caused to the complainant party. The Applicant is named in the FIR and is alleged to have taken part in the offence.

3. FIR No.240 of 2026 is a police encounter case. The allegation is that, during patrolling, the police saw the Applicant along with two other persons riding a motorcycle and signaled them to stop. They allegedly opened fire upon the police, which was returned. During the encounter, the Applicant received a firearm injury on his

right leg and was arrested at the spot, while the other two accused escaped. One T.T pistol was recovered from the Applicant and the motorcycle, stated to have been robbed in FIR No.239 of 2026, was also recovered by the police.

4. FIR No. 241 of 2026 is a case for recovery of an unlicensed weapon. The allegation is that the Complainant, a police officer, along with his team arrested the Applicant in injured condition after the encounter in FIR No. 240 of 2026. One T.T pistol without number with an empty magazine was recovered from his possession. As the Applicant could not produce any license for the weapon, the present FIR was registered against him under Section 24 of the Sindh Arms Act.

5. Mr. Muhammad Arif Jhandeer contended that the Applicant has been falsely implicated in all three cases. He stated that there was a dispute between the complainant and co-accused Laibo Kolhi and due to that dispute, the Applicant has also been involved in the present cases. He further contended that the alleged police encounter was managed, the recoveries of the motorcycle and pistol were foisted upon the Applicant. He finally submitted that the case requires further inquiry and prayed that the Applicant may be granted bail. In support of his contentions, he relied on the case law reported as **PLD 1995 SC 34**.

6. On the other hand, learned D.P.G for the State assisted by counsel for the complainant, opposed the bail applications and contended that the Applicant is specifically nominated in the F.I.R. The Applicant was arrested after the police encounter in which he also received a firearm injury and one pistol and the motorcycle involved in FIR No.239 of 2026 were also recovered from him. They

submitted that sufficient material is available to connect the Applicant with the offences and prayed for dismissal of the bail applications.

7. The offences of which the Applicant has been accused are all non-bailable in nature except section 353 PPC. In case of *Tariq Bashir and 5 others v. The State* (PLD 1995 SC 34), it was held that in non-bailable offences the grant of bail is not a right but a concession. In the present case, the Applicant is specifically nominated in FIR No.239 of 2026. Soon after the alleged occurrence, he was apprehended by the police during the encounter in FIR No.240 of 2026, in which he also received a firearm injury on his right leg. The motorcycle stated to have been robbed in FIR No.239 of 2026 was recovered at the time of his arrest and one pistol was also allegedly recovered from his possession, for which FIR No.241 of 2026 was registered. Thus, all three cases are connected with each other and on a tentative assessment, the circumstances and recoveries prima facie connect the Applicant with the alleged offences. The contention of learned counsel that the Applicant has been falsely implicated, that the police encounter was managed and that the recoveries were foisted upon him requires deeper examination of the evidence, which cannot be undertaken at the bail stage. At present, there is sufficient material available on record to call for further proceedings against the Applicant. No case for further inquiry or grant of bail is therefore made out.

8. For these reasons, all the applications are dismissed.

9. It is clarified that the observations above are tentative in nature and shall not prejudice the learned Trial Court in deciding the case on merits. The learned Trial Court is directed to proceed

with the matter expeditiously and dispose of the same within four months with progress reports to be submitted before this Court every two months.

JUDGE

****Faisal****