

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st CrI. Bail Appln. No.D-112 of 2026

PRESENT:

Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada',

Applicant : Soobo Bunglani,
through Mr. Safdar Ali G. Bhutto, Advocate.

Respondent : The State, through Mr. Aitbar Ali Bullo,
Deputy Prosecutor General.

Date of hearing : 03.09.2026.
Date of Order : 03.09.2026.

ORDER

RIAZAT ALI SAHAR, J.- Through instant Criminal Bail Application, applicant Soobo son of Shahzado *alias* Shah Nawaz, by caste Bunglani, seeks post arrest bail in Crime No.28/2026, registered at Police Station Tangwani, District Kashmore at Kandhkot, for offence under Sections 324, 353, 399, 402, 148, 149, PPC, read with Section 4/5 Explosive Substances Act, 1908, further read with Section 6/7 of the Anti-Terrorism Act, 1997. His bail application was dismissed by the learned trial Court i.e. Judge, Anti-Terrorism Court, Kashmore at Kandhkot, vide order dated 02.06.2026.

2. Briefly, the prosecution case is that on 09.04.2026, at about 06.30 p.m., a police party of PS Tangwani headed by complainant ASI Nando Khan, after an encounter with 15 culprits, apprehended the applicant/accused from near Jaloo Diversion/Larro situated on the main road leading from Thull to Kandhkot town and one TT Pistol of 30-bore loaded with 3 live bullets in it's magazine and a Hand-Grenade lying beside him on the ground were

recovered; hence, he was arrested and after usual investigation sent up to face trial before the Court of law.

3. Learned Counsel for the applicant contended that the applicant is innocent and he has been falsely implicated in this case by the police; that the alleged encounter has never occurred, which is clear from the fact that nobody from the side of police or the culprits is shown to have sustained any injury; that the alleged recovery has been foisted upon the applicant by the police and no independent person has been cited as witness/mashir of the alleged incident/recovery; that the case against the applicant requires further enquiry; hence, he may be enlarged on bail.

4. Learned DPG has opposed the bail application, contending that the applicant was apprehended after an encounter and recovery of pistol together with a hand-grenade was made from him, therefore, he is not entitled to concession of bail.

5. Heard learned Counsel for the applicant, learned DPG for the State and perused the material available on record.

6. Per prosecution case, the applicant/accused was allegedly arrested on 09.4.2026 after 15/20 minutes' encounter between 5/6 members of police party and 15 culprits, but surprisingly none from either side is shown to have sustained any injury during the alleged encounter; even the mobile van of police was not hit by any bullet, which appears to be a miracle. The alleged incident is shown to have occurred at evening hours i.e. at 6.30 p.m. at the bus-stop i.e. Jaloo Larro/diversion on a busy road leading from Thul to Kandhkot town and the police party had gone to the place of incident on the basis of information received through spy, but neither they associated any private person from the way while going to place of incident nor any effort is

shown to have been made for picking independent person of locality to witness the alleged incident/recovery. When the very foundation of the prosecution case i.e. the encounter appears to be doubtful, then entire episode including the recovery proceedings cannot be believed to be based on true facts, thereby the case of prosecution needs to be proved at trial; hence, the case of applicant requires further enquiry as envisaged under subsection (2) of Section 497, Cr.P.C.

7. For the foregoing facts and reasons, holding the case of applicant/accused as one of further enquiry, we admit him to bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and P.R bond in the like amount to the satisfaction of trial Court.

8. The above observations are based on tentative assessment of the material brought on record, which shall not prejudice the trial of the case in any manner before the trial Court.

JUDGE

JUDGE

Qazi Tahir PA*