

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2533 of 2026

Applicant : Shahmeer son of Siddiq,
Through Mr. Nazeer Ahmed Gorar
advocate

The State : The State:
Through Ms. Tahira Depar, APG.

Date of hearing : 11.09.2026.

Date of Order : 11.09.2026.

ORDER

Jan Ali Junejo, J:- Through this order, I intend to decide the instant post-arrest bail application filed under Section 497 Cr.P.C. by the applicant namely Shahmeer son of Siddiq, who seek his release on bail in connection with FIR No.158 of 2025 registered at Police Station Mubina, Karachi for the offences punishable under Sections 353/324/186/34 PPC. The applicant has approached this Court being aggrieved by the order dated 25.05.2026 passed by the learned Additional Sessions Judge-IV, Karachi East whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that with reference to Report No. 31 of the Roznamcha, ASI Dur Muhammad alongwith his subordinates, while on patrolling duty in Government Mobile-I received spy information that two persons riding Motorcycle No. 8268, Honda 125 CC, were roaming in the area with the intention to commit robbery. Acting upon the information, ASI reached near Dow Hospital, Suparco Road, Scheme-33, Karachi, at about 0130 hours, where he saw two persons riding the said motorcycle. Finding them suspicious, he signaled them to stop; however, instead of stopping, they opened fire upon the police party with the intention to kill. In self-defence, ASI returned fire, as a result of which the person sitting behind sustained a bullet injury and fell down, while the other person managed to escape after firing at the police party. From the apprehended accused, a 30-bore pistol with a loaded magazine, one round in the chamber and one round in the magazine was recovered. When asked to produce the licence for the weapon, he failed to do so. From the pocket of his Shalwar Kameez, four mobile phones, namely Samsung Touch Screen Light

Blue, VNUS and Realme, along with one brown-coloured wallet containing Rs.350/-, were also recovered. The apprehended accused disclosed his name as Attaullah son of Abdul Hameed and identified his absconding accomplice as Shahmeer son of Siddiq. One of the recovered mobile phones subsequently rang, and upon receiving the call, the caller disclosed his name as Waseem Shaikh and stated that the said mobile phone had been snatched within the jurisdiction of P.S. Gulistan-e-Johar, Karachi. Consequently, the acts of the accused attract Sections 353/324/186/34 PPC, while possession of the unlicensed weapon attracts Section 23(i)-A of the Sindh Arms Act. The apprehended accused was brought to the police station, where the FIR was registered against him, hence, this FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the case due to mala fide and ulterior motives, having no nexus whatsoever with the alleged offence. He submits that the applicant was neither arrested at the spot nor was anything recovered from his possession, and that the prosecution story is concocted, engineered and managed; hence, false implication cannot be ruled out and the case calls for further inquiry. He further submits that the alleged incident occurred in a thickly populated area, yet no independent witness was associated, while all prosecution witnesses are police officials subordinate to the complainant. He contends that although the prosecution alleges firing upon the police party with intent to kill, neither any police official sustained injury nor was any injury caused to the police mobile, thereby rendering the alleged firing ineffective and making the applicability of Section 324 PPC doubtful. He maintains that the alleged encounter is yet to be established at trial, while Sections 353/186 PPC are bailable and Section 324 PPC is not attracted to the applicant. Learned counsel further submits that the learned trial Court, while passing the impugned order dated 25.05.2026, failed to properly apply its judicial mind and rejected the applicant's bail without lawful justification. He, therefore, submits that no reasonable ground exists to believe that the applicant has committed the alleged offence, the case squarely falls within the ambit of further inquiry, and the applicant, being neither a hardened criminal nor a flight risk, is entitled to the concession of bail.

4. While referring the above submissions, learned APG contended that the applicant/accused along with other his companions had made straight firing upon the police party with deadly weapons; that empties of pistols and pistols were recovered from the co-accused on the spot, which proved

that the said encounter was held, however, he candidly submitted that previously the applicant/accused was not involved in any criminal case.

5. I have heard the learned counsel for the applicant/accused, learned APG for the State and examined the material available on record.

6. A perusal of the record reveals that the alleged encounter between the police and the accused, allegedly armed with weapons, continued for several minutes during the night near Dow Hospital, Laboratory, Main SUPARCO Road, despite the short distance between the parties. Nevertheless, during the course of the alleged encounter, no police personnel sustained any bullet injury; nor was the applicant/accused arrested at the spot, and no recovery was effected from him. In the present cases, the ingredients of Sections 353, 324 and 186, P.P.C. are yet to be determined at trial. The past record further shows that the applicant/accused has neither been involved in any other criminal case nor convicted of any offence. Consequently, at the most, the alleged incident constitutes a case of ineffective firing, in which bail is to be granted as a matter of right. The liberty of a person cannot be curtailed merely on the basis of assumptions and presumptions, and the applicant/accused, therefore, deserves the concession of bail on merits. The challan has already been submitted, and the applicant/accused is no longer required by the police for the purpose of further investigation. Moreover, all the witnesses are police officials; therefore, there is no likelihood of the applicant/accused tampering with the prosecution evidence.

7. Considering the above circumstances, the applicant/ accused is succeeded to make out a case for grant of post-arrest bail on the ground of further enquiry as contemplated under Section 497 (2), Cr. P.C. and consequently instant bail application is allowed. The applicant namely Shahmeer son of Siddiq 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 the learned trial Court. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail application, and shall not prejudice the case of either party during the course of trial.

JUDGE