

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1549 of 2026

a/w

Criminal Bail Application No. 1550 of 2026

Applicant : Ali Hassan
[in both Cr.B.As] son of Fateh Muhammad
Through Mr. Waheed Hussain Saheto,
advocate

The State : The State:
Through Ms. Najma Latif Golo
A. P. G. Sindh

Date of hearing : 11.08.2026.

Date of Order : 11.08.2026.

ORDER

Jan Ali Junejo, J:-- By this common order, I intend to dispose of both the bail applications filed by the applicant, who is seeking post-arrest bail in Crime Nos.67/2025 U/s 324/353/402 PPC and 68/2025 U/s 23(i)A & 25 SAA, 2013 of PS Kinjhar Lake, after his bail pleas have been declined by Additional Sessions Judge-I/Model Criminal Trial Court, Thatta vide joint order dated 25.09.2025.

2. Precisely relevant facts of the prosecution case, as unfolded in FIR No.67 of 2025, are that on 16.09.2025 at about 0015 hours, ASI Azizullah Chang lodged the FIR at P.S. Kinjhar Lake, stating that on 15.09.2025 at about 2225 hours, while he alongwith police staff was patrolling on National Highway, Thatta-Hyderabad Road, near Machhi Golai/Curve, they received spy information regarding the presence of 09/10 armed persons in a white Suzuki vehicle at Tara Golai/Curve, allegedly engaged in stealing material from loaded vehicles. The police party proceeded to the pointed place and, at about 2230 hours, allegedly saw the said vehicle, whereupon its occupants opened fire upon the police party, which returned fire in self-defence. During the ensuing pursuit, another white Suzuki arrived and the culprits attempted to escape therein; however, accused Ali Hassan son of Fateh Muhammad Shoro was apprehended, and a pistol was allegedly recovered from his hand alongwith one live bullet from its magazine. From the Suzuki vehicle, three sacks containing

25 kilograms of rice each and thirteen sacks containing 25 kilograms of lentils/dal each were also allegedly recovered. The accused allegedly disclosed that he, alongwith his accomplices, had come to steal material from loaded vehicles and, upon arrival of the police, opened fire and fled. The recovered pistol and bullet were sealed for FSL examination, while the sacks were taken into possession through a mashirnama prepared in the presence of police officials. Thereafter, the accused and recovered property were brought to the police station, where the present FIR was registered.

3. Learned counsel for the applicant/accused contends that the applicant is innocent and has been falsely implicated in the present case by the prosecution, in connivance with the complainant and the concerned police, due to mala fide intentions, ulterior motives and personal enmity with the local Soomro community of Ali Bahar; that nothing incriminating was recovered from the possession of the applicant and the alleged pistol has been foisted upon him; that, as per the FIR itself, the accused persons allegedly opened direct fire upon the police party, yet no police official sustained any injury, nor was any bullet found to have hit the police mobile, which renders the alleged encounter/cross-firing story doubtful and makes the prosecution case susceptible to further inquiry; that despite the allegation that all the accused persons opened fire, no specific role has been attributed to the present applicant, thereby creating a reasonable doubt regarding his involvement; that the alleged case property, particularly the rice sacks/kattas, has already been released by the police to the claimant and disposed of, and therefore its production before the learned Trial Court is no longer possible; that the investigation has been completed and the applicant is no longer required for further investigation, while there is no possibility of his tampering with the prosecution evidence, particularly when the witnesses are police officials; that the offences alleged in the FIR do not fall within the prohibitory clause of Section 497 Cr.P.C.; that, in the circumstances, the prosecution has failed to establish a strong prima facie case against the applicant and his alleged involvement requires further inquiry within the meaning of

Section 497(2) Cr.P.C.; therefore, prayed that the applicant may be admitted to bail.

4. Conversely, the learned APG opposes the bail application. She submits that the applicant is involved in a heinous offence and from his possession robbed articles has been recovered; that sufficient evidence is available with the prosecution to connect the applicant with the commission of alleged offence; hence, he is not entitled to the concession of bail.

5. I have heard the learned counsel for the applicant and the learned APG for the State and have carefully examined the available record. The prosecution case, at this tentative stage, is supported by the specific circumstance that the applicant was arrested at the spot while attempting to flee, and during the same occurrence, three sacks/kattas containing 25 kilograms of rice each and thirteen sacks/kattas containing 25 kilograms of lentils/dal each were allegedly recovered from the Suzuki vehicle used by the accused persons. Thereafter, a pistol alongwith a live bullet was allegedly recovered from the hand of the applicant; the pistol was found to be in working condition and its serial number had been removed. The recovery of the said sacks/kattas and, subsequently, the firearm from the applicant, coupled with his arrest at the spot during the alleged occurrence, constitute prima facie incriminating circumstances connecting him with the alleged offences. Learned counsel for the applicant attempted to argue that even no recovery has been effected from the applicant/accused, it is observed that recovery is always a corroborative piece of evidence and as to what is the effect of recovery or non-recovery can be gone into only once evidence is recorded. Mere non-recovery at the bail stage cannot be a ground for granting bail. The contention of the learned counsel for the applicant that no specific role has been ascribed to the applicant and case of the applicant falls within the purview of further inquiry as enumerated under Section 497(2), Cr.P.C, is concerned, it has no force.

6. The plea of false implication, mala fide, alleged enmity and foisting of the pistol is a matter of defence, which requires proof and cannot, at

this stage, override the direct circumstances of apprehension and recovery. Likewise, the fact that the witnesses are police officials does not render their evidence legally inadmissible or inherently unreliable; their credibility is to be assessed by the learned Trial Court after recording evidence.

7. The contention that no police official sustained injury and no bullet hit the police mobile does not, by itself, negate the allegation of firing upon the police party. Similarly, absence of a specific firing role does not entitle the applicant to bail when he was allegedly apprehended during the same occurrence with a firearm in his hand and the alleged stolen material was recovered from the vehicle in which the accused persons were travelling.

8. Considering the strong prima facie evidence against the applicant, including recovery of robbed articles from his possession and the presence of corroborative witness testimony, I do not find any reasonable grounds to treat this case as one warranting “further inquiry” under Section 497(2) Cr.P.C. The seriousness of the allegations and the potential punishment also negate any presumption in favor of bail. Thus, the Applicant is not entitled for grant of bail at this stage.

9. In light of the foregoing reasons, the present criminal bail applications filed on behalf of the Applicant, being devoid of substantive merit, are hereby dismissed. It is further clarified that the observations made herein are confined solely to the adjudication of this bail application and shall not prejudice or influence the merits of the case during the trial proceedings.

JUDGE