

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Bail Application No.S-367 of 2026.
(Imtiaz Ali vs The State)

Date	Order with signature(s) of Judge(s)
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For the hearing of the Bail Application.

11.05.2026.

Mr. Imtiaz Ali Abbasi, Advocate for the Applicant.
Syed Sardar Ali Shah, Additional Prosecutor General,
along with Inspector Asif Ali Malano, Police Station CTD,
Sukkur

ORDER

Ali Haider 'Ada', J:- Through this bail application, applicant Imtiaz Ali son of Habibullah Dayo, seeks post-arrest bail in Crime No.08 of 2026, registered at CTD Sukkur for an offence punishable under Section 23(i)(a) & (b) of the Sindh Arms Act, 2013, as the learned trial Court declined his bail application vide order dated 10.04.2026.

2. Briefly stated, the prosecution's case as set out in the FIR is that the applicant/accused was allegedly apprehended by the police party while attempting to flee upon noticing the police officials during patrolling. It is alleged that the applicant was driving a vehicle and, upon search thereof, one white-coloured bag lying on the rear seat was recovered, which allegedly contained three MP-05 30-bore pistols along with magazines and two Beretta 9mm pistols with magazines, whereafter the present FIR was registered against him.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated due to mala fide and ulterior motives on the part of the complainant party. It is contended that the arrest of the applicant was pre-planned by the police officials, and the alleged recovery has been foisted upon him. Learned counsel further submits that, according to the prosecution's story itself, the alleged incident

took place during daytime in a thickly populated area; however, no independent private person was associated as a mashir/witness of recovery, which constitutes a violation of Section 103 Cr.P.C. It is further argued that prior to the present case, the applicant has no criminal antecedents and is serving as an Operations Manager in a reputed security company. Learned counsel contends that the case of the applicant squarely falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C.; therefore, he is entitled to the concession of bail.

4. Conversely, the learned Additional Prosecutor General opposed the bail application and submits that the applicant was arrested at the spot while driving the vehicle from which the alleged weapons and ammunition were recovered; therefore, the prosecution's case is supported by direct recovery. Learned Addl: P.G further submits that mere non-association of private mashirs is not sufficient to discard the prosecution's case at this stage.

5. Heard learned counsel for the parties and minutely perused the material available on record.

6. It is a well-settled principle that in cases where the prosecution's version rests solely on official witnesses, particularly police personnel, and no independent or private witnesses are associated despite availability and opportunity, the matter may fall within the ambit of further inquiry under Section 497 Cr.P.C. In the present case, the accused was sought to be implicated in an FIR registered under Section 23 of the Sindh Arms Act, 2013, alleging that he was apprehended in possession of an unlicensed weapon. The record reflects that the accused has remained in judicial custody since the date of his arrest, and the police have already submitted the challan; consequently, his further custody for investigative purposes is no longer required.

7. Significantly, despite the alleged occurrence being at a public place and in daylight, no effort appears to have been made by the investigating agency to associate any independent or private witness with the alleged recovery proceedings. The entire prosecution case rests upon police officials.

8. Moreover, the record is silent as to whether the accused is a previous convict or habitual offender. In such circumstances, when the prosecution evidence is yet to be tested through trial, and the case hinges upon official witnesses only, the possibility of false implication cannot be ruled out.

9. It is settled law that where the prosecution's case calls for further inquiry, the accused is entitled to the concession of bail. Reliance in this regard is placed on the case of ***Dilawar v. The State (2023 PCrLJ 1684)***, ***Zabiullah alias Zubair v. The State (2021 YLR 2190)*** and ***Yousif Ali Khan v. The State (2021 PCrLJ Note 17)***,

10. It is also noteworthy that the accused neither attempted to abscond from the course of investigation nor evaded the police proceedings; rather, he remained available to face the process of law. In such circumstances, there appears to be no reasonable apprehension of tampering with the prosecution evidence or influencing the witnesses, particularly when the entire case rests upon official witnesses, and the accused is already in judicial custody. Reliance in this regard is placed upon ***Muhammad Shafique v. The State (2021 PCrLJ 1553)***, wherein it has been held that where the accused is neither a fugitive nor there exists any likelihood of tampering with evidence, the case may be considered as one requiring further inquiry.

11. In view of the foregoing circumstances and tentative assessment of the material available on record, the instant bail application is hereby allowed. Consequently, applicant namely Imtiaz Ali son of Habibullah Dayo is granted post-arrest bail in the above-mentioned crime subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court. Needless to observe that the findings and observations made herein are purely tentative in nature, confined solely to the disposal of the instant bail application, and shall not prejudice or influence the learned trial Court while deciding the case on merits.

JUDGE