

IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 196 of 2022

Applicant : Imtiaz s/o Abdul Khaliq Solangi, through
M/s. Nisar Ahmed Dogar and Zahid Hussain
Shah, advocates

Respondent : The State, through Mr. Faheem Hussain Panhwar,
D.P.G.

Date of hearing : 15.03.2022
Date of order : 15.03.2022

ORDER

ZAFAR AHMED RAJPUT, J.- Applicant/accused Imtiaz s/o. Abdul Khaliq Solangi on being unsuccessful in getting post-arrest bail, vide order dated 06.09.2021, passed by the learned IVth Additional Sessions Judge Malir, Karachi in Sessions Case No. 1600 of 2021, through instant application seeks the same relief from this Court in Crime/FIR No. 800 of 2020, registered at P.S., S.I.T.E., Super Highway Industrial Area (S.S.I.A.), Karachi under section 23(1)(a) of the Sindh Arms Act, 2013.

2. Allegation against the applicant is that, on 21.10.2020 at 02:00 a.m., he was arrested at Kati Pahari near “Go Petrol Pump” Ehsanabad, Karachi by a police party headed by ASI Wazir Ali of P.S., S.S.I.A., Karachi on being recovered an unlicensed 30 bore pistol loaded with magazine containing four live bullets, for which he was booked in the aforesaid F.I.R.

3. Learned counsel for the applicant contends that the applicant is innocent and has falsely been implicated in the case by the police with mala fide intention and ulterior motives; that nothing was recovered from possession of the applicant and the alleged recovered pistol has been foisted upon him; that no private witness was associated by the police to witness the alleged recovery despite the fact that the incident took place in thickly populated area; that the alleged offence does not fall with the prohibitory clause of section 497, Cr.P.C.; that the guilt of the applicant requires further inquiry entitling him to bail.

4. On the other hand, learned D.P.G. opposes the instant application on the ground that the applicant alongwith other accused persons is involved in cases of robbery of motorcades on gun point, which were recovered from their possession by the police as well as unlicensed arm, which as per FSL report is in working condition; as such, he is not entitled for the concession of bail.

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

6. It appears from the perusal of the record that on the alleged day the present applicant and three other accused persons, namely, Sherdil s/o Aashiq Ali Meerani, Arbelo alias Zakir s/o Manzoor Ali and Rahim Bux s/o Daim Khan were apprehended by the police party of P.S., S.S.I.A., Karachi on being found riding on two stolen motorcycles bearing registration No. KHN-5597 and KMR-5181 for that F.I.Rs bearing No. 644/2020 and 992/2020 were already lodged at P.S. Sohrab Goth and Sachal, respectively. Police recovered unlicensed arms from the personal search of the aforesaid accused persons. Present applicant was carrying an unlicensed 30 bore pistol loaded with magazine containing four live bullets. It is an admitted position that besides aforementioned two cases, the applicant is also involved in (i) Crime No. 980/2020 registered under section 392/397/34, P.P.C. at P.S. Sachal (ii) Crime No. 113/2019 registered under section 392/34, P.P.C. at P.S. Yousuf Plaza (iii) Crime No. 495/2019 registered under section 395, P.P.C. at Aziz Bhatti and (iv) 498/2019 registered under section 23(1) (a), S.A.A. The alleged pistol was sent for FLS and as per report the same was in working order. The alleged offence being punishable with imprisonment for 14 years falls within the prohibitory clause of section 497, Cr. P.C. It may be observed that the commission of offences like robbery/dacoity on the strength of un-licensed weapons depriving the citizen from their valuable belonging are frequently reported to have been committed without any restriction in urban and rural areas; not only creating scare among the people but ruining the safety of the life and property of law abiding citizens and also generating sense of insecurity amongst public at large.

7. From the tentative assessment of the evidence on record, it appears that the prosecution has sufficient evidence against the applicant to connect him with the commission of alleged offence; therefore, he is not entitled to the concession of bail; hence, instant criminal bail application is rejected.

8. Needless to mention here that the observations made hereinabove by this Court are tentative in nature and the same shall not influence the trial Court while deciding the case of applicant on merit.

JUDGE

Athar Zai