

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 671 of 2020

For hearing of bail application.

Mr. Muhammad Younis Channa Advocate for Applicant.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

Date of Hearing: 08-02-2021
Date of Order: 08-02-2021

ORDER

Aftab Ahmed Gorar J. Applicant Naimat Channa seeks post-arrest bail in crime No. 09 of 2020 registered with P.S, Mehmood Channa, for offence under section 24 Sindh Arms Act. Earlier, application moved by the applicant before trial court for the same relief was turned down vide order dated 12.10.2020.

2. Allegation against the present applicant, as alleged in the FIR lodged on 10.07.2020 at 1330 hours by the complainant SIP Shoukat Ali Gabol, is that on the same date at 1215 hours, present applicant was apprehended and he voluntarily produced unlicensed repeater, used in the commission of main case bearing Crime No.06 of 2020 of P.S, Mehmood Channa.

3. Learned counsel for the applicant contended that present applicant is innocent and has nothing to do with the alleged offence; that all the witnesses are police officials and no private person has been associated to act as witness and Mashir of arrest

of present applicant and recovery of weapon; that in main case, applicant has been admitted to bail by this Court; that investigation is complete and Challan has been submitted; that applicant is no more required for investigation; that all the prosecution witnesses are police officials and there is no question of tampering with the prosecution evidence. Lastly, he prayed for grant of bail to the applicant/accused.

4. Learned Deputy Prosecutor General for the State did not controvert the submissions made by learned counsel for applicant.

5. I have heard learned counsel for the parties and scanned the material available on record with their able assistance, which emanate that applicant was arrested and he voluntarily produced the unlicensed repeater, used in the commission of main crime. Contention of the learned counsel for applicant that alleged recovery of weapon has been foisted upon the applicant by the police carries weighted and it is yet to be determined at the time of trial after recording evidence of prosecution witnesses as in the main encounter case, the applicant has been admitted to bail by this Court in Crl. B.A.No.S-669 of 2020 vide order even dated i.e. 08.02.2020. Applicant is no more required for investigation purpose. All the prosecution witnesses are police officials; hence

there is no question of tampering with the prosecution evidence.

Applicant is behind bars since his arrest.

6. Considering the facts and circumstances referred supra, applicant has succeeded to make out a case for his enlargement on post arrest bail on the ground of further inquiry, as envisaged under Section 497(2) Cr.P.C. Consequently, applicant **Naimat Channa is admitted to post arrest bail** on his furnishing solvent surety in the sum **Rs.50,000/- (Fifty Thousand)** and P.R. bond in the like amount to the satisfaction of the learned trial Court.

7. Accordingly, instant bail application stands allowed.

J U D G E

Ahmad