

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-130 of 2024

(Afrat Shah Vs. The State)

1. For Orders on office objection.
2. For Orders on MA No. 1129/2024 (Ex./A)
3. For hearing of bail application.

ORDER.

01-04-2024.

Mr. Ghulam Shabbir Bhutto, advocate for the applicant.
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

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1. Over ruled.
2. Granted subject to all just legal exceptions.
3. It is alleged that the applicant was found transporting through his car 25 unlicensed pistols, 05 Kalashnikovs, magazines and 4000 bullets for that he was booked and reported upon by the police.

On having been refused bail by the learned IInd Additional Sessions Judge, Khairpur, the applicant has sought for the same from this Court by way of instant application u/s 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant being innocent has been involved him in this case by the police by foisting upon him the arms and ammunitions; there is no independent witness to the incident and case has finally be challaned; therefore, he is entitled to be released on bail on point of further inquiry; which is opposed by learned Additional P.G for the State by rebutting the above contention.

Heard arguments and perused the record.

The applicant is named in FIR with specific allegation that he with one more culprit was found transporting the huge quantity of unlicensed arms and ammunitions. In that situation, it would be premature to say that he being innocent has been involved in this case by the police by foisting upon him such recovery. Apparently, the police was having no

enmity with the applicant to have involved him in this case falsely by foisting upon him such recovery. Of course there is no independent witness to the incident but for this reason, the police officials could not be disbelieved by this Court at this stage; they are as good witnesses as others in absence of malafide, which is lacking. Mere submission of final challan by the police against the applicant is no ground to admit him to bail in case like the present one, which is affecting the society at large. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged and no case for his release on bail on point of further inquiry is made-out; consequently, the instant Crl. Bail Application is dismissed with direction to learned trial Court to conclude the trial of the very case against the applicant within two months after receipt of copy of this order.

Judge