



48

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Crl. Bail Appln. No. S- 295 of 2013.

Date of hearing	Order with signature of Judge
06.08.2013.	

Mr. Ghulam Mehdi M. Sangi, Advocate for applicant.  
Mr. Abdul Rasheed Soomro, State Counsel.  
~~~~~

Through the instant bail application, applicant Mehran Sangi seeks post-arrest bail in Crime No.58/2013, registered at P.S Hyderi, on 03.06.2013 under Section 23 of The Sindh Arms Act, 2013.

2. Brief facts of the prosecution case as disclosed in the F.I.R are that on 03.06.2013 ASI Mir Ahmed Nawaz of P.S Hyderi left police station alongwith his subordinate staff for patrolling. While patrolling at various places when at about 0200 hours police party reached near Luhur Colony, Larkana, where saw present applicant/accused in suspicious manner; he was caught hold. ASI conducted personal search of the accused by making PCs Ali Zeb and Irfan Ali as mashirs; from the fold of his Shalwar pistol without number of 30-bore was recovered. On inquiry, accused disclosed his name as Mehran son of Abdul Hakeem Sangi. He had no license for the weapon carried by him. He was arrested. F.I.R bearing Crime No.58/2013, under Section 23 of the Sindh Arms Act, 2013, was registered against him on behalf of the State. After usual investigation challan was submitted against the accused before the competent Court of law under above referred section.

3. Bail application was moved on behalf of the applicant/accused, the same was rejected by learned Additional Sessions Judge-VI, Larkana, by his order dated 20.07.2013.

4. Mr. Ghulam Mehdi Sangi, learned Advocate for the applicant/accused mainly contended that applicant/accused is no more required for investigation; weapon has not been sent to the Ballistic Expert for the report and punishment of the alleged offence may extend to ten years.

According to defence counsel, alleged offence does not fall within prohibitory clause of Section 497 Cr.P.C. In support of the contentions, he



relied upon cases reported as Tariq Bashir v. The State (PLD 1995 S.C 34), Jaffar Alam v. The State (SBLR 2013 Sindh 1019), and un-reported bail order dated 24.7.2013, passed by this Court in CrI. Bail Appln. No. S- 247 of 2013, (Sabit Ali v. The State).

5. Mr. Abdul Rasheed Soomro, appearing on behalf of the State, argued that, The Sindh Arms Act, 2013, has been enacted to curb the proliferation of arms and ammunition, and offence falls within prohibitory clause of Section 497 Cr.P.C. He has opposed the application.

6. I am inclined to grant bail to the applicant/accused for the reasons that all the prosecution witnesses are police officials; case has been challaned; applicant is no more required for investigation; there is no apprehension of tampering with the prosecution evidence; pistol recovered from the possession of the applicant/accused has not been sent to the Ballistic Expert for the report. In Section 24 of The Sindh Arms Act, 2013, it is mentioned that punishment of un-licensed arm may extend to ten years and with fine. The Court while hearing bail application is not to keep in view the maximum sentence provided by statute but the one which is likely to be entailed in the facts and circumstances of the case. In the instant case, 30-bore unlicensed pistol has been recovered from possession of accused. It has been argued that police had ill-will with accused to foist pistol upon him. Therefore, keeping in view facts and circumstances of the case, while relying upon above cited authorities, prima facie, case against applicant/accused requires further inquiry as contemplated under subsection (2) of Section 497 Cr.P.C. Applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Fifty thousands), and P.R bond in the like amount to the satisfaction of trial Court.

7. Needless, to mention here that the observations made hereinabove are tentative in nature and would not influence trial Court while deciding the case.

←  
C/2/2013  
Judge

ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.  
Cr. Bail Appln.No.S- 309 of 2013.

Dated \_\_\_\_\_ order with signature of hon'ble Judge.

1. For orders on office objection as flag A.
2. For Hearing.

13.08.2013.

Mr. Ahmadullah Bhutto, advocate for the applicant.  
Mr. Abdul Rasheed Soomro, State Counsel.  
=====

Through the instant bail application, applicant Ghulam Mohammad @ Mour Bhutto seeks post arrest bail in Crime No.78/2013 registered at P.S Hyderi on 25.07.2013 under section 23(1)(a) of the Sindh Arms Act, 2013.

2. Brief facts of the prosecution case as disclosed in the F.I.R are that on 25.07.2013 ASI Izhar Ahmed Bhutto of P.S Hyderi Larkana left police station alongwith his subordinate staff in the government vehicle vide roznamcha entry No.21 at 1615 hours for patrolling. While patrolling ASI Izhar Ahmed Bhutto received spy information that accused Ghulam Mohammad @ Mour wanted in Crime No.73/2013 U/S 506/2, 337-A(i), F(i), 337-H(2), 504, 147, 148, 149 PPC and Crime No. 77/2013 U/S 5 Gambling Act and 353 PPC was present at Aqil Road near Jamali Curve. Police party proceeded to the pointed place where present accused while seeing the police mobile tried to slip away but police surrounded and caught him hold. Private persons were not available therefore, ASI associated mashirs PCs Mohammad Yousif Channa and Abdul Waheed Turk and conducted personal search of the accused and from left side fold of his shalwar one T.T pistol 30 bore containing five live bullets were secured from his possession, cash Rs.100/= was also secured. Applicant had no license for the arm carried by him. Mashirnama of arrest and recovery was prepared and accused was taken into custody and





brought at P.S where FIR was registered against the accused on behalf of the State under section 23 (1) (a) of The Sindh Arms Act, 2013.

3. After usual investigation challan was submitted against the accused.

4. Bail application was moved on behalf of the applicant/accused, the same was rejected by learned II- Additional Sessions Judge, Larkana by his order dated 03.08.2013.

5. Mr.Ahmadullah Bhutto, learned Advocate for the applicant/accused mainly contended that the applicant/accused is no more required for investigation; weapon has not been sent to the Ballistic Expert for the report and the punishment of alleged offence may extend to ten years. It is also argued that police has lodged so many cases against applicant/accused due to enmity. According to defence counsel, alleged offence does not fall within prohibitory clause of section 497 Cr.P.C. In support of the contentions, he relied upon cases reported as Tariq Bashir v. The State (PLD 1995 S.C 34), Jaffar Alam v. The State (SBLR 2013 Sindh 1019) and unreported bail order dated 05.08.2013, passed by this Court in CrI.Bail Appln. No.S-248 of 2013 (Abid Hussain v. The State).

6. Mr.Abdul Rasheed Soomro, appearing on behalf of the State, argued that, the Sindh Arms Act, 2013, has been introduced to curb the misuse of the weapons and offence falls within prohibitory clause of section 497 Cr.P.C. He has opposed the application.

7. I am inclined to grant bail to the applicant/accused for the reasons that all the prosecution witnesses are police officials; case has been challaned; applicant is no more required for investigation; there is no apprehension of tampering with the prosecution evidence; the T.T Pistol recovered from the possession of applicant/accused has not been

41

sent to the Ballistic Expert for the report. In section 24 of The Sindh Arms Act, 2013, it is mentioned that punishment of un-licensed arm may extend to ten years and with fine. It is contended that the police has foisted the alleged recovery with malafide and ulterior motives and lodged 03 cases against applicant/accused. Therefore, keeping in view facts and circumstances of the case, while relying upon above cited authorities, prima facie, case against applicant/accused requires further inquiry as contemplated under subsection (2) of Section 497 Cr.P.C. Applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/= (Rupees Fifty thousands only) and P.R bond in the like amount to the satisfaction of trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence trial Court while deciding the case.

13.8.2013  
JUDGE