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ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Crl. Bail Appln. No. S- 248 of 2013.

Date of hearing 05.08.2013.	Order with signature of Judge
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FOR HEARING.

Mr. Ali Nawaz Ghanghro, Advocate for applicant.  
Mr. Abdul Rasheed Soomro, State Counsel.

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Through the instant bail application, applicant Abid Hussain Solangi seeks post-arrest bail in Crime No.37/2013, registered at P.S Radhan, on 11.6.2013 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 06.11.2013, ASI Manzoor Ali Chandio of P.S Radhan, left Police Station alongwith his subordinate staff for patrolling; when the police party reached at link road Radhan, present accused was found going armed by carrying a repeater of 12-bore bearing No. 575 and two live cartridges. He was arrested in presence of the Mashirs and was enquired about the license but he had no license. F.I.R was registered against the accused on behalf of the State under Section 23 of The Sindh Arms Act, 2013. After usual investigation challan was submitted against the accused. Bail application was moved on behalf of the applicant/accused, the same was rejected by learned 2<sup>nd</sup> Additional Sessions Judge, Mehar, by his order dated 24.6.2013.


3. Mr. Ali Nawaz Ghanghro, 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 Crl. Bail Appln. No. S- 247 of 2013, (Sabit Ali v. The State).



4. 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.

5. 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; repeater 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. Enmity has also been alleged with the police. 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.

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

  
S. 8. 2013.  
Judge