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ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.  
Cr. Bail Appln.No.S- 300 of 2013.

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

FOR HEARING,

12.08.2013.

Mr. Noor Mohammad Soomro, advocate for the applicant.  
Miss Shazia Surahio, State Counsel.

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Through the instant bail application, applicant Allah Bachayo Sethar seeks post arrest bail in Crime No.71/2013 registered at P.S Khanpur on 15.07.2013 under section 23<sup>(a)</sup>(I) of the Sindh Arms Act, 2013.

2. Brief facts of the prosecution case as disclosed in the F.I.R are that on 15.07.2013 ASI Raja Khan of P.S Khanpur left police station alongwith his subordinate staff for patrolling while patrolling at various places when the police party reached at main road near Kandoo Laro present applicant/accused was found in the suspicious manner. Police officials surrounded him and caught him hold. On query he disclosed his name Allah Bachayo S/O Muhammad Yousif bycaste Sethar R/O Village Boriti. ASI Raja Khan conducted personal search of accused in presence of mashirs namely PCs Maqsood Ahmed and Qamaruddin and from his possession one T.T pistol 30 bore containing two live bullets recovered. 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 section 23<sup>(a)</sup>(I) of 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 Sessions Judge, Shikarpur by his order dated 30.07.2013.

5. Mr. Noor Muhammad Soomro, 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. 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 Crl.Bail Appln. No.S-248 of 2013 (Abid Hussain v. The State).

6. Miss Shazia Surahio, 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 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 there is matrimonial dispute between Sethar and Sanjrani Community. False implication has also been alleged <sup>by</sup> ~~with~~ the police at the instance of other side. Therefore, keeping in view facts and circumstances of the case, while relying upon

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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.

12.8.2023  
JUDGE