

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No.D- 44 of 2025

Present:- Amjad Ali Bohio &
Ali Haider 'Ada', JJ

Applicant: Khadim Hussain through
Mr. Kamran Ahmed Gorar, Advocate

Respondent: State through Aftab Ahmed Shar, APG

Date of hearing: **18.06.2025**

Dated of order: **18.06.2025**

ORDER

Amjad Ali Bohio, J: Applicant/accused Khadim, son of Jaam, by caste Jamali, seeks post-arrest bail in Crime No.111 of 2025, registered at Police Station A-Section Dadu, for an offence punishable under Section 25 of the Sindh Arms Act, 2013.

2. A bail application was earlier moved on behalf of the applicant before the learned Anti-Terrorism Court, Naushahro Feroze, which was dismissed vide order dated 07.05.2025. Hence, the present post-arrest bail application has been filed before this Court.

3. As per the prosecution's version, on 22.04.2025 at about 2230 hours, the applicant, along with two co-accused, was apprehended by the police during patrolling near Qasim Khushik Patrol Pump, Dadu. Upon personal search, an unlicensed 30-bore pistol, reportedly in working condition and loaded with three live rounds, was allegedly recovered from the present applicant. The FIR further states that the said weapon was used in the commission of the offence reported in main Crime No.107 of 2025 of Police Station A-Section Dadu, registered under Sections 6/7 of the Anti-Terrorism Act (ATA) and various provisions of the Pakistan Penal Code (PPC). Consequently, a separate FIR, bearing Crime No.111 of 2025, was registered under Section 25 of the Sindh Arms Act, 2013.

4. Learned counsel for the applicant contended that the applicant has been falsely implicated due to political rivalry and prior protests by his community over water-related issues, which have led to strained relations with the local police. He argued that the alleged recovery is foisted, as the main offence in Crime No.107/2025 allegedly occurred on 21.04.2025,

whereas the present recovery is dated 22.04.2025, creating serious doubt regarding the continuity of possession of the same weapon. He further submitted that all the recovery witnesses are police officials and that no private mashir was associated, thereby undermining the credibility and transparency of the recovery proceedings. It was lastly submitted that the applicant has already been granted bail in the main case (Criminal Bail Application No.D-42 of 2025) and is no longer required for investigation in the present matter.

5. Conversely, the learned Additional Prosecutor General opposed the bail plea, arguing that the recovery of an unlicensed firearm constitutes a serious offence and that the recovered weapon is allegedly linked to a prior act of terrorism.

6. From a tentative assessment of the material available on record, it appears that the case against the applicant requires further inquiry within the meaning of Section 497(2), Cr.P.C. The failure to associate any private witness in the recovery proceedings, despite the alleged incident occurring in a public place, and the fact that all mashirs are subordinate police officials, casts serious doubt on the credibility and transparency of the alleged recovery. Moreover, the recovery allegedly occurred after the incident reported in the main FIR, raising further doubt about the continuity of possession and its purported connection to the earlier offence.

7. Furthermore, the applicant has already been granted bail in the main case bearing Crime No.107 of 2025 vide order dated 18.06.2025 passed in Criminal Bail Application No.D-42 of 2025. As the present case arises from the same incident, the principles laid down in *Sajjad Ali Maitlo v. The State* (2022 P Cr. L J Note 74) are applicable. In that judgment, the Court held that when an accused is granted bail in the principal offence, the subsequent recovery case, being an offshoot thereof, should also be considered a matter of further inquiry.

8. The applicant is not shown to be a previously convicted or hardened criminal. There is no material on record suggesting that he is likely to tamper with the prosecution evidence or abscond. Since the investigation has been completed, the applicant is no longer required for custodial interrogation. His continued incarceration pending trial would serve no useful purpose.

9. In view of the foregoing, the applicant has made out a case for grant of bail. Consequently, Criminal Bail Application No.D-44 of 2025 is allowed. The applicant, Khadim son of Jaam, by caste Jamali, is admitted to post-arrest bail, subject to furnishing a solvent surety in the sum of Rs.50,000/- and a P.R. bond in the like amount to the satisfaction of the trial Court.

10. Needless to mention, the observations made herein are tentative in nature and shall not prejudice the case of either party during the trial. Criminal Bail Application No.D-44 of 2025 stands disposed of in the above terms.

11. These are the reasons for the short order dated 18.06.2025.

JUDGE

JUDGE

Naveed Ali