

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No. 2588 of 2025

Applicant : Amjad
through Mr. Shams-ul-Hadi, Advocate.

Respondent : The State
through Mr. Muhammad Iqbal Awan,
Additional Prosecutor General Sindh

Date of hearing : 10.11.2025

Date of Order : 18.11.2025

ORDER

OMAR SIAL, J.- On 25.04.2025, a police party led by S.I. Sajid Mehmood apprehended Amjad, son of Jaffar Shah, and found 2520 grams of charas in his possession. F.I.R. No. 217 of 2025 was registered under section 9(1)(3)(c) of the Sindh CNS Act, 2024 at the Quaidabad police station.

2. The applicant's learned counsel has primarily argued that the applicant had lodged F.I.R. No. 350 of 2024 under section 302 P.P.C. at the Quaidabad police station against one Abdul Jalil. Abdul Jalil was released on bail and began threatening the applicant to withdraw the case. This prompted the applicant to file yet another F.I.R. (191 of 2025 under section 506-B P.P.C.) at the Quaidabad police station. Counsel says that subsequently, the police officials of Quaidabad police station, on the behest of Abdul Jalil, began to harass and threaten him, which resulted in the applicant's brother complaining to the concerned Judicial Magistrate and seeking that action be taken against the delinquent staff of the Quaidabad police station on 13.04.2025. This angered the Quaidabad police station officials, some of whom were specifically named in the complaint, to register the present false case.

3. We have heard the learned counsel for the applicant and the learned Additional Prosecutor General.

4. Upon a tentative assessment, the application made by the applicant on 13.04.2025 appears genuine. The learned Additional Prosecutor General does not deny the facts mentioned above but says that the applicant has a crime record, which also disentitles him to bail. We have gone through the record. One case (F.I.R. No. 213 of 2022) was registered under sections 6 and 9(c) of the CNS Act, 1997, at the Yousuf Plaza police station on 09.07.2022. The allegation was that he had 400 grams of heroin. He was acquitted in this case on 05.09.2022. The judge noted that the allegation was that the applicant had heroin, but the investigating officer said that he had recovered charas from the applicant. The other F.I.R. No.315 of 2022 was registered against him under sections 6 and 9(c) of the CNS Act, 1997, at the Quaidabad police station on 09.06.2023. He was acquitted under section 265-K Cr.P.C. on 24.10.2023. The judge noted that no prosecution witness had appeared for examination despite the court's best efforts for eight months. There is a third F.I.R. (F.I.R. No. 239 of 2017 under section 9(c) CNS Act, 1997) in which the applicant is on bail.

5. Given the above, we are inclined to err on the side of caution and, at this stage, believe there is a possibility of malafide on the part of the police in registering this case against the applicant. Giving him the benefit of doubt at this stage, the applicant is admitted to post-arrest bail against a surety of Rs. 100,000 and a P.R. Bond for the same amount to the satisfaction of trial court. Of course, it is the learned trial court that will determine the facts of the incident after it has had an opportunity to review the evidence. We, however, deem it appropriate at this stage to request the S.S.P. Malir to personally look into this case to determine whether there has been any police excesses. At the end of the day, it is the reputation and prestige of the Sindh Police that are at stake if there has been any irregularity.

JUDGE

JUDGE

