

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-355 of 2026

Applicant: Ghulam Nabi @ Gullan s/o Hyder Khan.
Through Mr. Arslan Ali, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of hearing: 10.07.2026

Date of Order: 10.07.2026

ORDER

KHALID HUSSAIN SHAHANI, J.— The applicant Ghulam Nabi, by means of the instant application, seeks post-arrest bail in a case emanating from Crime No. 60 of 2025, registered under Section 25 of the Sindh Arms Act, 2013, at Police Station Naukot. It is not disputed that an earlier attempt to secure this relief before the learned 1st Additional Sessions Judge, Mirpurkhas, met with rejection vide order dated 14.04.2026.

2. The genesis of the prosecution narrative is rooted in the events of 12.10.2025, when, during the course of investigation into Crime No. 50 of 2025, the applicant is alleged to have led the investigating team to a wooded locale and facilitated the recovery of a .30 bore pistol of Pakistani manufacture, together with a magazine containing four live cartridges, an article said to have been employed in the commission of the antecedent offence. The applicant, upon being called to account, could produce no licence in respect of the said weapon, whereupon the firearm and ammunition were taken into custody, the requisite legal

formalities were observed, and the instant F.I.R. came to be registered charging the applicant under Section 25 of the Sindh Arms Act, 2013.

3. Learned counsel for the respective parties have been heard at length, and the record made available has been examined with the benefit of their assistance.

4. It emerges, without contradiction, that the recovery forming the basis of the present prosecution was effected in the course of investigation into the principal case, namely Crime No. 50 of 2025, wherein the very weapon is alleged to have been deployed in commission of the substantive offence. It is equally undisputed that this Court has already extended the concession of post-arrest bail to the applicant in the said principal matter. Where an accused stands enfranchised on bail in respect of the substantive charge, the ancillary prosecution under Section 25 of the Sindh Arms Act, 2013, arising as it does from recovery of the self-same weapon must, as a matter of principle, be examined upon parity of reasoning. Though the offence under the Arms Act is juridically distinct, its foundation lies in the identical act of recovery, the evidentiary weight whereof shall abide determination by the trial Court upon recording of evidence. No circumstance of an exceptional or compelling character has been brought to the notice of this Court by the prosecution as would warrant the applicant's continued incarceration in the present case, more particularly when liberty has already been restored to him in the principal offence.

5. It further bears notice that the alleged recovery stands already effected and the weapon secured; nothing further, therefore, remains to be recovered from the applicant. The question of his culpability or otherwise touching the alleged unlicensed possession is one that calls for a deeper appreciation of evidence, an exercise reserved for the trial Court upon the parties adducing their respective evidence. It is a settled tenet of criminal jurisprudence that bail is not to be constricted into an instrument of pre-conviction punishment, more so where the accused already enjoys liberty in the connected substantive case and his continued detention serves no discernible penal or investigative purpose.

6. For the reasons aforestated, this bail application succeeds and is allowed. The applicant shall be released on post-arrest bail upon furnishing solvent surety in the sum of Rs. 50,000/- (Rupees fifty thousand only), together with a personal recognizance bond in like amount, to the satisfaction of the learned trial Court.

7. The observations recorded hereinabove are tentative in nature and shall not be construed as an expression of opinion on the merits of the case, so as to prejudice either party at trial.

The application is disposed of accordingly.

JUDGE