

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No.1072 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
------	-----------------------------------

1. For orders on office objection at "A".
 2. For hearing of Bail Application.
- .-.-.-.-.-

Date of hearing and Order: 10.08.2026

Mr. Saeed Ahmed Magsi, Advocate for applicants a/w applicants.
Mr. Qamaruddin Nohri, Deputy Prosecutor General Sindh.

.-.-.-.-.-

Abdul Hamid Bhurgri, J.- Through this criminal bail application, applicants Zubair Shah son of Noor Muhammad Shah and Shafi alias Abbi son of Jamil Memon seek confirmation of pre-arrest bail in Crime No.18 of 2026, registered at Police Station Darro under Sections 353, 186, 224, 225, 506(2), 147, 149 and 504, PPC. The applicants had earlier been granted pre-arrest bail by the learned Sessions Judge, Sujawal, which was subsequently recalled vide order dated 02.04.2026.

2. Briefly, the prosecution case is that on 27.03.2026 at about 1530 hours, when complainant SIP Zafar Ali Zour and other police officials had apprehended accused Imran son of Umer Kumbhar in connection with Crime No.17 of 2026 under the Sindh Control of Narcotic Substances Act, the present applicants, allegedly armed with an iron rod and a knife respectively, along with 6/7 unidentified persons, obstructed the police party, forcibly got said accused released from custody, tore the uniform of a police constable and extended threats to the police officials.

3. Learned counsel for the applicants contends that no specific overt act or injury has been attributed to either applicant; the allegation of tearing the police uniform is collective; no weapon has been recovered from them; and despite the occurrence having allegedly taken place during daytime in Darro City, no independent person has been cited as a witness. He submits that the case, at best, calls for further inquiry. Learned D.P.G., on the other hand, opposes the application on the ground that the applicants are specifically nominated and are alleged to have obstructed police officials in

discharge of their lawful duties and forcibly secured release of an accused from police custody.

4. I have heard learned counsel for the parties and tentatively examined the material available on record. Although the allegation of forcibly securing release of an accused from police custody is undoubtedly serious, the role attributed to the present applicants is substantially collective in nature. No injury is alleged to have been caused by either applicant; the act of tearing the uniform of the police constable has not been specifically attributed to either of them; and no recovery of the alleged iron rod or knife has been effected. The applicants are alleged to have acted along with 6/7 unidentified persons and, therefore, the precise role and extent of participation of each applicant would require determination at trial. Moreover, though the occurrence allegedly took place during daytime in Darro City, the prosecution case, as presently placed before the Court, rests upon the account of police officials. Their evidence cannot, merely for that reason, be discarded; however, its evidentiary worth and the truthfulness of the collective allegations are matters to be tested after recording evidence.

5. The applicants are not accused in the narcotics case registered against Imran Kumbhar and no narcotic substance is alleged to have been recovered from or at their instance. They were not arrested at the spot and have remained on interim pre-arrest bail since 09.04.2026. Nothing has been pointed out by the prosecution showing that their custodial arrest at this stage is required for any specific purpose of investigation. In these circumstances, coupled with the absence of any specific injury or overt act and non-recovery of the alleged weapons, the case of the applicants, tentatively viewed, calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Their arrest at this stage would, therefore, serve no useful investigative purpose.

6. Consequently, without expressing any final opinion on the merits of the case, the interim pre-arrest bail granted to applicants Zubair Shah and Shafi alias Abbi vide order dated 09.04.2026 is confirmed on the same terms and conditions. They shall regularly attend the trial and shall not misuse the concession of bail or tamper with the prosecution evidence, failing which the

prosecution shall be at liberty to seek cancellation of their bail in accordance with law.

The observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

JUDGE

Ayaz Gul