

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Bail Application No.S-762 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: Khuda Bux @ Himath S/O Ghulam Mustafa Shar,
Through Mr. Ali Akbar Shar Advocate.

The State: Through Mr. Mansoor Ahmed Shaikh, D.PG.

Date of hearing & order: 30.09.2026.

Suresh Kumar J:- Through instant Criminal Bail Application applicant/accused Khuda Bux @ Himath seeks his post-arrest bail in Crime No.127/2026 for the Offence Punishable U/Ss 24 of Sindh Arms Act,2013. registered at Police Station, Ranipur District Khairpur.

2. The facts of the prosecution, as depicted in the FIR, are that on 14.07.2026, the complainant, SIP Liaquat Ali Sheeno, lodged an FIR on behalf of the State at PS Ranipur. In the report, he stated that on the day of the report, he, along with his staff, left the police station, as recorded in DD entry no. 23, at 1700 hours for the investigation of the main murder case, crime no. 122/202. During this investigation, he received information and arrested the applicant/accused from Watni Pull in the presence of mashirs PC Ajab Gul Rajper and PC Naib Ali Mughal. The complainant recovered one .30 bore pistol with a magazine containing three live bullets from the accused, who failed to produce a license for the weapon and disclosed that it had been used in the commission of the main murder case of Mst. Razia @ Safia. The accused, along with the recovered property, was then brought to the police station, where the complainant lodged the FIR.

3. The applicant initially applied for grant of post arrest bail, which was dismissed by learned Assistant Sessions Judge, Gambat , vide order dated 30.07.2026. Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh at length. Learned D.P.G has strongly opposed the grant of post arrest bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned DPG, and having perused the relevant material available on record, it is evident from the perusal of the FIR that an unlicensed pistol was recovered from the possession of the applicant/accused, and an FIR under Section 24 of the SAA, 2013 was registered. The learned counsel for the applicant has primarily contended that no independent witness has been cited for the attestation of the alleged recovery. Admittedly, the police did not associate any independent person from the locality to attest to the alleged recovery proceedings. While it is true that Section 103 of the Cr.P.C. has ousted the requirement for independent witnesses under the said act, it remains incumbent upon the police to associate an independent witness for the alleged recovery to prevent the possibility of false foistation. Therefore, the case against the applicant requires further inquiry.

6. Moreover, the applicant/accused has been granted bail in the main case crime No.122/2026 of PS Ranipur today, therefore, he is also entitled for grant of post arrest bail in this off-shoot case. In this regard reliance is placed on the case of Muhammad Murad v. The state. **(2022 P.Cr.L.J Note-75)** and in the case of Dilawar v. The State **(2023 P.Cr.L.J1684)**.

7. For the foregoing reasons and guidance taken from the above case law, I am of the considered view that applicant/accused has made out his case for grant of post arrest bail. Consequently, the applicant/accused is admitted to bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Fifty thousands) and PR bond in the like amount to the satisfaction of trial Court.

JUDGE

Hizbullah

