

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.3406 of 2026
(Momin Saleem vs. The State)

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Jawad Akbar Sarwana

For hearing of bail application

Date of hearing
& order **28.10.2026**

M/s. Mallag Assa Dashti, Merrukh Zehri and Imran Kalmati, advocate for applicant

Mr. Mohammad Ali Noonari, DPG

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.311/2026, u/s 9(2)(4) of CNS Amended Act, 2025, registered at Police Station SIU South, Karachi, by means of this application.

2. Applicant was arrested on 15.09.2026 by a police team headed by SIP Daniyal of Police Station SIU, Karachi, from Tikon (Triangle) Park near Arambagh Masjid, Shahrah-e-Liaquat, Karachi, and from him 124 grams of ice was recovered. Hence, he was booked in the present case.

3. Learned defence counsel has pleaded for bail on the ground that offence does not carry a punishment of more than five years, and hence, does not fall within the prohibitory clause u/s 497(i) Cr.PC; the investigation is over and he is not required for any further enquiry.

4. On the other hand, learned DPG has opposed bail stating that applicant is also involved in another case. But, learned defence counsel has drawn our attention to page-33 of file, where bail granting order to the applicant by the trial Court in the other case is available. It shows that the involvement of the applicant in the said case was a result of statement of a co-accused, who was arrested by the police from the spot.

5. In consideration of said facts and grounds, we are of the view that applicant is entitled to concession of bail, as the maximum punishment of the offence, in which, he is involved is only five years. More so, the challan has been submitted, and the applicant is no more required for further investigation. Then, in the previous case, no direct recovery has been shown against him, and he was implicated merely on the statement of a co-accused.

6. Accordingly, this bail application is allowed and the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one hundred thousand only) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

7. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

JUDGE

Rafiq/PA.