

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Present:

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Zulfiqar Ali Sangi

Criminal Bail Application No.D-203 of 2026

Applicant: Shah Rukh Khan Son of Saleem Solangi,
through Mr. Nabi Bux Saand, Advocate.

Respondent: The State through Ms. Rameshan Oad, Deputy
Prosecutor General, Sindh along-with
IO/Inspector Asif Hayat SHO CTD Hyderabad.

Date of hearing: **01.09.2026**

Date of decision: **01.09.2026**

O R D E R

ZULFIQAR ALI SANGI, J:- Through this bail application, the applicant, Shah Rukh Khan, seeks his release on post-arrest bail in Crime No.05 of 2026 registered at Police Station CTD Hyderabad for an offence punishable under Section 23-1(a) of the Sindh Arms Act, 2013. The applicant had earlier approached the learned Trial Court for the concession of post-arrest bail; however, his application was declined vide impugned order dated 20.05.2026. Hence, the present application.

2. Briefly stated, the prosecution case, as unfolded in the FIR, is that the complainant, SIP Liaquat Ali Shah, on 15.03.2026 arrested the accused, Shah Rukh Solangi, in main Crime No.04 of 2026 registered under Sections 4/5 of the Explosive Substances Act, 1908, read with Sections 6/7 and 21(I) of the Anti-Terrorism Act, 1997, and allegedly found in his possession one 30-bore pistol along with two magazines containing ten live bullets. The alleged possession of the said weapon was treated as an offence punishable under Section 23-1(a) of the Sindh Arms Act, 2013, whereupon the instant separate case was registered against him on behalf of the State.

3. Learned counsel for the applicant, while seeking his admission to post-arrest bail, contended that the applicant is innocent and has falsely been implicated in the present case due to ulterior motives and mala fide on the part of the police. It was argued that the prosecution case is

required to be examined in the backdrop of the applicant's specific plea that, on 07.12.2025, on the occasion of Sindh Culture Day, at about 10:00 p.m., he was picked up from Solangi Hotel, situated within the jurisdiction of Police Station Hatri, Hyderabad. It was further contended that, during the pendency of Constitutional Petition No.D-2236 of 2025, filed by the applicant's father regarding his alleged disappearance, approximately three months and ten days later, his alleged enforced disappearance culminated in the present FIR, which was lodged on 15.03.2026 merely to give legal colour to his alleged prior illegal detention. According to learned counsel, applications regarding his alleged illegal detention had also been moved before the higher authorities and other competent forums. He further submitted that the applicant is a student of 12th class and that his education has been seriously prejudiced due to his continued incarceration. Learned counsel also submitted that the present case is an offshoot of main Crime No.04 of 2026 registered at Police Station CTD Hyderabad, in which the applicant has already been granted bail.

4. Learned counsel further contended that the applicant was allegedly abducted on 07.12.2025 and remained in illegal custody for approximately four months before his formal implication in the present case on 15.03.2026. It was argued that this circumstance, coupled with the filing and pendency of Constitutional Petition No.D-2236 of 2025 before this Court, prima facie lends support to the plea of mala fide and subsequent false implication. It was, therefore, contended that the circumstances surrounding the applicant's apprehension and his subsequent implication in the present case require further examination.

5. It was also contended by learned counsel that, despite the alleged place of arrest being situated near a populated area of Gulistan-e-Sarmast Housing Society Crush Plant, no private person from the locality was associated with the arrest and recovery proceedings and that the mashirnama was prepared only in the presence of police officials. Learned counsel emphasized that no independent witness has been cited to corroborate the alleged recovery, notwithstanding the provisions of Section 103, Cr.P.C. It was further argued that the Investigating Officer has not collected any tangible or independent material connecting the applicant with any militant organization or establishing his alleged involvement in terrorist activity. Learned counsel maintained that the prosecution material, when tentatively assessed, does not furnish

reasonable grounds for believing that the applicant is guilty of the offence alleged against him and, at the very least, his case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

6. Conversely, learned Deputy Prosecutor General, appearing for the State, opposed the grant of bail and supported the impugned order. He contended that the applicant is specifically nominated in the FIR and that one 30-bore pistol, along with two magazines containing ten live bullets, was recovered from his possession. She further submitted that offence involve unlicensed arms material and fall within the prohibitory clause of Section 497, Cr.P.C. According to learned DPG, the available material sufficiently connects the applicant with the commission of the alleged offence and, therefore, the applicant does not deserve the concession of bail

7. We have heard learned counsel for the applicant/accused as well as learned DPG for the State and have carefully examined the available record with his assistance. At the outset, it may be observed that while exercising jurisdiction under Section 497, Cr.P.C., particularly at the stage of post-arrest bail, the Court is not required to conduct a detailed examination or deeper appreciation of the evidence. The exercise is essentially confined to making a tentative assessment of the material available on record for determining whether there exist reasonable grounds for believing that the accused is guilty of an offence punishable with death, imprisonment for life or imprisonment for ten years, or whether the case falls within the scope of further inquiry under Section 497(2), Cr.P.C. Any observation made at this stage is necessarily tentative and cannot be treated as an expression of final opinion on the merits of the case.

8. The admitted position emerging from the record is that one 30-bore pistol along-with two magazine and ten lives bullets is allegedly attributed to the present applicant. The alleged recovery, therefore, constitutes an important circumstance against him and cannot be brushed aside altogether at the bail stage. Nevertheless, the mere factum of recovery does not, by itself, conclude the question of guilt, particularly where the surrounding circumstances of such recovery, the manner in which it was affected, and the remaining connecting evidence require further examination.

9. It is not disputed that the applicant has already been granted bail in the main case. It is a settled principle that where an offshoot case arises out of the same occurrence or transaction, the fate of the connected case may, depending upon its facts and circumstances, be considered in the light of the order passed in the main case. Thus, where an accused has been granted bail by this Court or a superior Court in the main case, such order constitutes a relevant circumstance while considering his entitlement to bail in the offshoot case.

10. Since the applicant has already been granted bail in the main case, his alleged involvement in the present offshoot crime is a matter that would ultimately be determined by the learned Trial Court after recording and appreciating the evidence. In these circumstances, particularly when the present case arises out of the same occurrence and the applicant has already secured bail in the main case, his continued incarceration in the connected case would not serve any useful legal purpose. The circumstances, therefore, warrant extending the same concession to the applicant in the present offshoot case.

11. Moreover, all the witnesses in this case are police officials; therefore, question of his absconding or tampering with prosecution evidence, does not arise and it is for the trial Court to adjudicate guilt of the accused. The case has been challaned and the applicant is no more required for the purpose of investigation or interrogation. It is a settled principle of law that bail cannot be withheld as punishment and law cannot be stretched upon in favour of the prosecution particularly at bail stage.

12. In the present case, apart from the alleged recovery, the prosecution has not been able, at this stage, to point out any independent and tangible material demonstrating the applicant's association with any militant or terrorist organization.

13. It is also significant that the prosecution allegedly possessed prior spy information and, according to its own case, reached a place situated near a Gulistan-e-Sarmat crush plant. Despite such circumstances and the alleged availability of sufficient opportunity, no private person from the locality was associated with the arrest or recovery proceedings. We are conscious of the settled proposition that the testimony of a police official cannot be discarded merely on account of his official status, and that non-association of private witnesses is not, in every case, by itself

fatal to the prosecution. However, where the circumstances indicate that independent witnesses could reasonably have been associated, their non-association may constitute a relevant circumstance while examining whether the accused's case requires further inquiry, particularly when such circumstance is considered cumulatively with other deficiencies appearing in the investigation. The plea of the applicant regarding his alleged illegal detention prior to his formal implication, his participation in the Sindh Culture Day, the filing of Constitutional Petition No.D-2236 of 2025, and the alleged delay between his apprehension and formal arrest/implication are also circumstances which cannot, at this stage, be altogether ignored. Whether these allegations are ultimately established or otherwise, is a matter to be determined by the Trial Court upon appreciation of evidence. However, for purposes of bail, these circumstances, when read together with the absence of independent corroborative material connecting the applicant with any terrorist organization or the alleged terrorist design, create a degree of doubt requiring further probe. In this regard, guidance may appropriately be drawn from the judgment of the Hon'ble Supreme Court in **Muhammad Noman v. The State and another (2017 SCMR 560)**, wherein the Hon'ble Supreme Court emphasized the necessity of examining the quality and fairness of investigation even in cases involving serious allegations relating to explosives and terrorism. The principle is not being invoked to dilute the seriousness of the offences alleged against the applicant, but only for the limited purpose of determining whether the material collected during investigation, when tentatively assessed, is sufficient to bring the case within the prohibitory clause of Section 497(1), Cr.P.C., or whether the deficiencies and circumstances emerging from the record make the matter one of further inquiry under Section 497(2), Cr.P.C.

14. It is also a settled principle that the gravity of an offence, by itself, cannot be made the sole basis for refusing bail where the material available on record otherwise gives rise to reasonable grounds for further inquiry. At the same time, the concession of bail in the present case should not be construed as an endorsement of the defence version or as a determination that the alleged recovery is false. The Court is only required to assess whether, on the material presently available, the applicant's guilt is sufficiently established for purposes of Section 497(1), Cr.P.C., or whether the circumstances warrant the application of Section

497(2), Cr.P.C. Upon cumulative assessment of the material available on record, including the alleged recovery of one pistol of 30 bore with ten live bullets from applicant, the absence of independent witnesses despite the alleged prior spy information, the failure of the investigation to collect independent material connecting the applicant with any militant organization or with the alleged commander, the absence of independent corroboration regarding the alleged terrorist design, and the circumstances surrounding the applicant's alleged detention and subsequent implication, we are of the considered tentative view that the case of the applicant requires further inquiry within the meaning of Section 497(2), Cr.P.C. The applicant has, therefore, succeeded in making out a case for the grant of post-arrest bail.

15. Consequently, the instant Criminal Bail Application is **allowed**. The applicant/accused is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of **Rs.100,000/- (Rupees One Hundred Thousand only)**, with P.R. bond in the like amount, to the satisfaction of the learned Trial Court.

16. Before parting with the matter, it is clarified that the observations recorded herein are purely tentative in nature and have been made solely for the purpose of deciding the question of bail. Nothing contained in this order shall prejudice either side at the trial. The learned Trial Court shall independently assess the evidence, determine the applicability of the relevant penal provisions, including the provisions of the Anti-Terrorism Act, 1997, and decide the case strictly in accordance with law, uninfluenced by any observation made herein.

17. These are the reasons for our short order dated **01.09.2026**, whereby the applicant/accused was admitted to post-arrest bail.

JUDGE

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