

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Zulfiqar Ali Sangi

Crl. Bail Application No. D-138 of 2026

Crl. Bail Application No. D-139 of 2026

Applicant : Manzoor Ali Palipoto s/o Ghulam Haider
Through Mr.Ahmed Murtaza A. Arab, Advocate

The State : Ms.Rameshan Oad, Deputy Prosecutor General, Sindh

Dates of hearing : **06.08.2026**

Date of short order: **06.08.2026**

Date of reasons : **.08.2026**

ORDER

ABDUL MOBEEN LAKHO, J: Through this single order, I intend to dispose of the above-captioned post-arrest bail applications arising out of Crime No.125 of 2026 registered at Police Station Husri, Hyderabad under Sections 123-A, 341, 147, 148, 149, 353, 504, 506-II, 427 P.P.C r/w Sections 6/7 Anti-Terrorism Act, 1997 and Crime No.126 of 2026 registered at the same police station under Section 25 of the Sindh Arms Act, 2013. Both applications pertain to the same applicant and are founded upon interconnected facts, therefore, are being decided together. His earlier bail applications were declined by the learned In-Charge, Ant-Terrorism Court, Hyderabad, vide order dated 23.04.2026.

2. Briefly, the case of the prosecution, as reflected from the F.I.Rs., is that on 07.04.2026 a police party headed by Inspector Ghulam Abbas Soomro allegedly found a group of about 25/30 persons blocking the Tando Muhammad Khan Road near Husri, raising slogans, creating obstruction to traffic, pelting stones and allegedly making aerial firing. The applicant was

nominated as one of the identified persons and was alleged to be leading the gathering while carrying a pistol. Subsequently, on the same date at about 1900 hours, the applicant was allegedly arrested at Link Road Qaim Khan Ganghro near Grid Station and one unlicensed 9-MM pistol along with two live rounds was stated to have been recovered from his possession, whereupon a separate F.I.R. under Section 25 of the Sindh Arms Act, 2013 was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to mala fide on the part of police officials. He argued that the applicant had allegedly been taken into custody several days before the registration of the present cases and reference in this regard was made to an application under Section 491 Cr.P.C. filed by the applicant's brother as well as the raid proceedings conducted through a Judicial Magistrate. It was further argued that the allegations contained in Crime No.125 of 2026 are general in nature; no private person from the locality has been cited as a witness despite the alleged occurrence having taken place on a busy public road; no injury was caused to any person; no recovery was effected from the applicant at the spot of the alleged incident and the applicability of Sections 6/7 Anti-Terrorism Act is highly doubtful. Regarding Crime No.126 of 2026, it was argued that the alleged recovery is foisted, mashirs of recovery are police officials and the entire prosecution case requires further inquiry. Learned counsel lastly submitted that the investigation is complete and the applicant is no longer required for investigational purposes.

4. Conversely, learned Deputy Prosecutor General opposed the grant of bail and argued that the applicant is specifically nominated in the F.I.R, he was identified by the police party at the place of occurrence an unlicensed

pistol was recovered from his possession and sufficient material is available connecting him with the commission of the alleged offences. She maintained that the offences fall within the prohibitory clause and no case for bail is made out.

5. We have heard learned counsel for the parties and have gone through the available record with their assistance.

6. Tentative assessment of the record shows that in Crime No.125 of 2026 the allegations against the applicant are primarily based upon the version furnished by police officials. Admittedly, the incident is alleged to have taken place on a main public road in a populated area, yet no independent witness from the locality has been associated with the investigation. The F.I.R. reveals general allegations against a mob of 25/30 persons and no specific act has been attributed to the applicant except that he was allegedly leading the gathering and carrying a pistol. Significantly, no injury was caused to any police official or any member of the public. The prosecution has also not brought on record any material at this stage which may *prima facie* demonstrate that the alleged acts were designed to create terror, panic or insecurity in society so as to unmistakably attract the provisions of Sections 6 and 7 of the Anti-Terrorism Act, 1997. Determination of such issue would essentially depend upon evidence to be recorded during trial.

7. As regards Crime No.126 of 2026, the alleged recovery of an unlicensed pistol was effected from the applicant through police officials alone and no independent mashir was associated. Moreover, the documents placed on record show that prior to registration of the present cases proceedings regarding the alleged detention of the applicant had already been initiated by his brother before the competent Court. Without

expressing any final opinion upon the correctness or otherwise of such plea, the said circumstance is sufficient at this stage to create a question requiring deeper probe during trial. The truthfulness or otherwise of the rival versions can only be determined after recording evidence.

8. It is now a settled principle of law that at bail stage only a tentative assessment of the available material is permissible and where the circumstances create doubt regarding the involvement of an accused, the case falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. The Hon'ble Supreme Court of Pakistan in Salman Mushtaq and others v. The State (2024 SCMR 14) has reiterated that where the prosecution case requires further inquiry and the evidence creates doubt regarding the veracity of the prosecution version, the concession of bail should not be withheld as a measure of punishment. Likewise, it has repeatedly been held by the august Supreme Court that the doctrine of further inquiry is attracted whenever the material collected by the prosecution gives rise to a reasonable doubt requiring trial for its resolution.

9. The applicant is behind bars, investigation appears to have been completed and nothing has been shown that his further detention would serve any useful purpose. Keeping in view the nature of allegations, absence of independent corroboration, the circumstances emerging from the record regarding the applicant's alleged prior detention, doubtful applicability of anti-terrorism provisions at this tentative stage and the principle of further inquiry envisaged under Section 497(2) Cr.P.C, we are of the tentative view that the applicant has succeeded in making out a case for the grant of post-arrest bail.

10. Consequently, both these bail applications are **allowed**. Applicant/accused Manzoor Ali Palipoto is admitted to post-arrest bail in

Crime No.125 of 2026 and Crime No.126 of 2026, subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) in each crime and P.R. bonds in the like amount to the satisfaction of the Additional Registrar of this Court.

11. It is clarified that all observations made herein are tentative in nature and shall not prejudice either side at the trial.

12. The above are the reasons of our short order dated 06.08.2026.

JUDGE

JUDGE

AHSAN K. ABRO