

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Zulfiqar Ali Sangi

Crl. Bail Application No. D-162 of 2026

Crl. Bail Application No. D-163 of 2026

Applicant : Asif Mehmood @ Asif Rajput s/o Mehmood
(in B.A No.D-162/2026) Through Mr.Mumtaz Alam Laghari, Advocate

Applicants : Muhammad Rasheed Gaddi and others
(in B.A No.D-163/2026) Through Mr.Shakeel Ahmed Zai, Advocate

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

Dates of hearing : 11.08.2026

Date of short order: 11.08.2026

Date of reasons : .08.2026

ORDER

ABDUL MOBEEN LAKHO, J: Through the instant post-arrest bail applications, the applicants seek their release on bail in Crime No.48 of 2026 registered at Police Station Pinyari, Hyderabad, for offences under Sections 123-A, 341, 427, 147, 149 PPC read with Sections 6/7 of the Anti-Terrorism Act, 1997. Their earlier bail application was declined by the learned In-Charge, Ant-Terrorism Court, Hyderabad, vide order dated 06.05.2026. Since both applications arise out of the same crime, involve common questions of law and fact and are directed against the same FIR, the same are being disposed of through this single order.

2. Briefly, the prosecution case, as set out in the FIR is that on 19.03.2026 complainant ASI Gul Hassan Chhalgri, along with subordinate police officials, during patrol allegedly received spy information that workers of MQM (London) had assembled at Rehman Town-Paretabad

Road, blocked the thoroughfare, restricted public movement and were raising slogans in favour of Altaf Hussain and against the sovereignty of Pakistan. It is alleged that upon reaching the pointed place, the police party saw the nominated accused persons present there; some among them were allegedly carrying sticks, damaging roadside tables and raising slogans. On seeing the police party, the accused allegedly escaped through narrow streets. Consequently, the above FIR was lodged against the named accused persons and certain unknown persons.

3. Learned Advocates for the applicants contended that the applicants are innocent and have been involved falsely on account of political rivalry and ulterior motives. They argued that no specific role or overt act has been attributed to the present applicants except general and omnibus allegations. It was further contended that the case rests entirely upon the statements of police officials, no independent witness from the locality has been associated despite the alleged occurrence having taken place at a busy public place and no convincing material has been collected connecting the applicants with the alleged anti-state activity. Learned counsel further submitted that the FIR is founded upon undisclosed spy information; the source of identification has not been explained; no video footage, photograph or other independent corroborative evidence has been produced. They further referred to applications under Section 491 Cr.P.C. moved by relatives of certain accused persons shortly after the occurrence, maintaining that the surrounding circumstances create serious doubt regarding the prosecution version. It was lastly argued that investigation has been completed, challan has been submitted, the applicants are no longer required for investigation and their case falls within the ambit of further inquiry.

4. Conversely, learned Deputy Prosecutor General opposed the bail applications and argued that the applicants are specifically nominated in

the FIR; the allegations relate to slogans against the sovereignty of Pakistan and thus attract the provisions of Sections 123-A PPC and 6/7 ATA. She maintained that sufficient material is available on record connecting the applicants with the commission of the alleged offences, therefore, they are not entitled to the concession of bail.

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

6. A tentative assessment of the material available on record reveals that the allegations against all applicants are predominantly general in nature. Except mentioning certain persons allegedly carrying sticks and damaging tables, no distinct, specific or individual role has been assigned to the present applicants so as to differentiate their respective participation from the rest of the assembly. The prosecution case admittedly originates from spy information and no independent person from the locality has been cited as a witness despite the alleged occurrence having taken place at a public thoroughfare. The evidence collected so far mainly consists of statements of police officials subordinate to the complainant.

7. It is also significant that the allegations relating to slogans against the sovereignty of Pakistan, applicability of Section 123-A PPC and attraction of Sections 6/7 ATA would ultimately require deeper examination during trial after recording evidence. At the bail stage only tentative assessment is permissible and any observation touching merits may prejudice either side. The question whether the alleged acts were sufficient to attract the mischief of anti-terrorism provisions is also a matter requiring evidence and judicial scrutiny at trial.

8. The record further reflects that investigation has already been completed and challan has been submitted before the trial Court. Therefore, the applicants are no longer required for investigation. No

material has been brought on record indicating likelihood of absconsion, tampering with prosecution evidence or influencing witnesses.

9. The august Supreme Court of Pakistan has consistently held that where the prosecution evidence creates doubt regarding the exact nature of participation of an accused, the matter falls within the ambit of further inquiry under Section 497(2), Cr.P.C. In **Salman Mushtaq and others v. The State (2024 SCMR 14)**, it was observed that where tangible doubt arises upon tentative assessment of the material collected by the prosecution, the benefit at bail stage cannot be withheld and the accused becomes entitled to further inquiry. The settled principle enunciated in **Tariq Bashir v. The State (PLD 1995 SC 34)** that benefit of doubt at bail stage is to be extended to an accused and that further inquiry attracts the concession of bail, also provides guidance in the present matter.

10. It is pertinent to mention here that accused Muhammad Saeed @ Mohajir son of Muhammad Sardar has admittedly expired during custody as reflected from the report submitted by the Incharge Judge, Anti-Terrorism Court, Central Prison Hyderabad. Therefore, the bail application to his extent has become infructuous and is disposed of accordingly.

11. In the circumstances discussed above, without making any observation on the merits of the case, which may prejudice either party at trial, the case of the applicants appears to fall within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

12. Accordingly, these bail applications are **allowed** and the applicants/accused namely Asif Mehmood @ Asif Rajput, Muhammad Rasheed Gaddi, Muhammad Faraz Durrani, Abdul Qayoom @ Idrees Teli, Muhammad Arif Khan, Imtiaz Ali Arain and Muhammad Yameen Qazi, are admitted to post-arrest bail subject to their furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) each and P.R. bonds in the like amount to the satisfaction of the learned trial Court. The bail

application of Muhammad Saeed @ Mohajir son of Muhammad Sardar stands disposed of as infructuous owing to his death.

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

The above are the reasons of our short order dated 11.08.2026.

JUDGE

JUDGE

AHSAN K. ABRO