

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Before:

Mr. Justice Abdul Mobeen Lakho,
Mr. Justice Zulfiqar Ali Sangi,

Cr. Bail Appl. No. D- 243 of 2026
[Arbab Bheel son of Kisyo Bheel v. The State]

Crime No.101/2025, PS Jamshoro,
U/s 3/4 Explosive Substance Act, 6/7 ATA, 34 PPC

Cr. Bail Appl. No. D- 244 of 2026
[Arbab Bheel son of Kisyo Bheel v. The State]

Crime No.56/2025, PS Sujawal,
U/s 324, 120-B, 505, 121-A, 123-A, 153-A, 427,
109, 34 PPC r/w 6/7 ATA

Cr. Bail Appl. No. D- 245 of 2026
[Arbab Bheel son of Kisso v. The State]

Crime No.10/2025, PS CTD, Hyd.,
U/s 4/5 Explosive Substance Act 1908, 6/7, 21(i)
ATA 1997, 34 PPC

Cr. Bail Appl. No. D- 246 of 2026
[Arbab Bheel son of Kisyo Bheel v. The State]

Crime No.261/2025, PS Qasimabad
U/s 3/4 Explosive Substance Act 1908, r/w 6/7 ATA,
1997. 324, 353, 427, 34 PPC

Cr. Bail Appl. No. D- 247 of 2026
[Arbab Bheel son of Kisyo Bheel v. The State]

Crime No.06/2025, PS CTD, Hyd.,
U/s 4/5 Explosive Substance Act 1908, 6/7 ATA
1997, 34 PPC

Cr. Bail Appl. No. D- 276 of 2026
[Shauban Ali son of Motiyo Chang v. The State]

Crime No.10/2025, PS CTD, Hyd.,
U/s 4/5 Explosive Substance Act 1908, 6/7, 21(i)
ATA 1997, 34 PPC

Cr. Bail Appl. No. D- 277 of 2026
[Shauban Ali son of Motiyo Chang v. The State]

Crime No.56/2025, PS Sujawal,
U/s 324, 120-B, 505, 121-A, 123-A, 153-A, 427,
109, 34 PPC r/w 6/7 ATA

Cr. Bail Appl. No. D- 297 of 2026
[Shoaib son of Malik @ Manak v. The State]

Crime No.56/2025, PS Sujawal,
U/s 324, 120-B, 505, 121-A, 123-A, 153-A, 427,
109, 34 PPC r/w 6/7 ATA

15.09.2026

M/s. Ghulamullah Chang and Nabi Bux Sand, advocates for applicants
Mr. Altaf Hussain Khokhar, DPG.

ORDER

ABDUL MOBEEN LAKHO, J.- Through these applicants, the Applicants seek post-arrest bail in above-captioned cases, after dismissal of their respective after-arrest bail applications by the learned Anti-Terrorism Court, Hyderabad.

2. The details and particulars of the cases are already available in the bail applications and the FIRs and may be gathered therefrom; hence, the same need not be reproduced herein.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated; that they are not nominated in the FIRs; that no features of the applicants are mentioned in the FIRs; that the applicants have been implicated in these cases on the statement of co-accused which is inadmissible under Articles 38 & 39 of Qanun-e-Shahadat Order 1984; that the applicants are behind bars for past more than one year; that all the PWs are police officials and no private person was made witness of the incident; that the provisions of Anti-Terrorism Act have been misapplied; that the prosecution story suffers from material contradictions, inherent improbabilities and serious legal infirmities particularly with regard to arrest, recovery and identification, which can only be adjudicated upon at trial; that the investigation is over and the applicants are not required for further investigation; and, that the case of the prosecution calls for further inquiry.

4. On the other hand, learned D.P.G. has opposed the bail applications and supported the impugned orders. However, when specifically confronted as to whether the applicants were nominated in the FIRs, whether any specific criminal act or overt role was attributed to them therein, or whether there existed any independent and concrete material connecting them with the alleged offences, no satisfactory material, other than their subsequent arrest and implication in the cases, could be pointed out.

5. We have considered the submissions of learned counsel for the applicants and learned DPG appearing on behalf of the State and have gone through the material available on record. It is an admitted position that the applicants are not nominated in the FIRs and that no specific overt act or criminal role is attributed to them therein. Their subsequent implication appears to be founded principally upon the statements of co-accused. At this tentative stage, such material, without corroboration from independent

and tangible evidence, requires cautious examination and cannot be treated as sufficient by itself to disentitle the applicants from the concession of bail. It is further noteworthy that the applicants have remained incarcerated for more than one year; the investigation has already been completed; and the prosecution does not claim that their further custody is required for any investigative purpose. The prosecution witnesses are stated to be police officials, while the questions concerning the legality and manner of arrest, recovery, identification and the applicability of the provisions of the Anti-Terrorism Act involve matters which are ultimately to be determined upon appreciation of evidence at trial. At the bail stage, this Court is not required to undertake a deeper appreciation of the evidence or record a definitive finding regarding the guilt or innocence of the accused. The material available on record, when assessed tentatively and cumulatively, creates circumstances which bring the case of the applicants within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. Their continued incarceration, particularly when the investigation is complete and they are no longer required for further investigation, is therefore not warranted.

6. Consequently, these bail applications are allowed. The applicants are admitted to post-arrest bail in the aforesaid cases subject to furnishing solvent surety in the sum of Rs.1,00,000/- (rupees one lac) each in all these cases and PR bond in the like amount to the satisfaction of the learned trial Court.

Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the trial. The learned trial Court shall decide the cases strictly on the basis of the evidence brought before it, without being influenced by any observation made in this order.

JUDGE

JUDGE