

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

CrI. Bail Application No.S-288 of 2025  
(Aqeel @ Raheem Bux Mahar Vs. The State)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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**Hearing of post-arrest bail**

- 1. For orders on office objections at flag ‘A’
- 2. For hearing of bail application.

**ORDER.**  
08-05-2025.

Mr. Ali Ahmed Khan Advocate for the applicant/accused.  
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.  
Complainant Mst. Shazia Parveen in person  
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*Ali Haider ‘Ada’, J.*Through this bail application, the applicant/accused, Aqeel alias Raheem Bux, seeks post-arrest bail in Crime No. 48 of 2022, registered under Sections 452, 382, 381-A, 427, 436, 506/2, 337-A(i), 337-F(i), 114, 148, and 149 PPC at Police Station Tamachani. The incident was reported on 20.10.2022, while the date of occurrence, as mentioned in the FIR, is 05.07.2022.Initially, the applicant approached the learned Sessions Judge, Sukkur, where the matter was entrusted to the learned Additional Sessions Judge-IV (H), Sukkur. However, the applicant remained unsuccessful in securing bail, as the learned Additional Sessions Judge-IV (H), Sukkur dismissed the bail application on the ground of abscondence. The applicant now seeks post-arrest bail through the present application.

2. The prosecution alleges that the applicant, along with co-accused Muhammad Bux, Lakhmeer @ Nabi Bux, Shakeel, Karim Bux @ Akash, Arshad, Azhar Ali, Ameen, Rauf, and Shahid, while armed with deadly weapons, attacked the house of complainant and looted the articles specified in the FIR. Furthermore, co-accused applicant and co-accused Arshad allegedly inflicted

injuries upon prosecution witnesses Ali Gul and Shahmir, while the remaining co-accused participated in the assault and set fire to household items present at the house of complainant.

3. Learned counsel for the applicant/accused submits that the name of applicant appears in the FIR with the allegation that he inflicted a butt blow of a gun on witness Ali Gul, resulting in injuries declared by the Medical Officer under Sections 337-A(i) and 337-H(ii) PPC. He further submits that a co-accused, namely Karim Bux @ Akash, had earlier lodged FIR No. 26/2022 at Police Station Tamachani against the relative of complainant and witnesses in the present case, which has also been challan the complainant party is facing trial therein. The learned counsel points out that FIR No. 26/2022 was registered on 05.07.2022, the same date of incident alleged in the present FIR, demonstrating that the current FIR appears to be a counterblast intended to balance litigation. He further contends that the complainant had earlier filed Criminal Miscellaneous Application No. 2259 of 2022 under Sections 22-A & 22-B Cr.P.C, wherein the narrative is entirely inconsistent with the FIR and notably, the name of the present applicant was not included in the list of proposed accused. He submits that the inclusion of the name of applicant in the FIR appears to be a subsequent improvement. Moreover, he argues that the learned Additional Sessions Judge-IV, Sukkur dismissed the bail solely on the ground of alleged abscondence, despite the fact that the applicant stands on a better footing compared to co-accused Lakhmir @ Nabi Bux, who has been granted bail on merits despite facing more direct allegations. He also refers to page 71 of the record, where this Court has granted bail to co-accused Muhammad Panjal, who was also declared an absconder. In support of his contentions, the learned counsel places reliance on the case of *Mitho Pitafi v. The State* (2009 SCMR 299).

4. On the other hand, the learned Additional Prosecutor General for the State contends that the role of the present applicant is distinguishable from that of the co-accused who have been granted bail, as the applicant is specifically alleged to have caused an injury to witness Ali Gul. He further submits that the applicant is specifically implicated on the basis of the statement of complainant, alleging that the applicant caused injury to one of the prosecution witness.

5. Complainant Mst. Shazia Parveen appeared and states that the accused party, including the present applicant, assaulted her village and house, causing injuries to her family and setting household articles on fire. She alleged that the applicant is a notorious person with a criminal background and that she continues to receive threats. Regarding contradictions between the FIR and her earlier application under Section 22-A/B Cr.P.C, she blamed the police for not properly recording her version, yet failed to lodge any complaint against the police or the Investigating Officer. She ultimately prayed for the dismissal of the bail application.

6. Heard the arguments of learned counsel for the applicant, the learned Additional Prosecutor General and carefully examined the material available on record.

7. To justify the position, it is noted that the present applicant is nominated with the allegation of causing injury to one prosecution witness, which has been declared under Sections 337-A(i) and 337-L(ii) PPC, both are bailable in nature.

8. Moreover, the version of the FIR is materially contradictory to the narrative presented in the application under Sections 22-A and 22-B Cr.P.C, as

the complainant did not nominate the present applicant therein, which raises a strong possibility that his implication in the FIR is an afterthought.

9. As far as abscondence is concerned, it is a well-established principle of law that if an accused has a good case on merits, mere abscondence is not sufficient ground to deny bail, as held by the Honourable Supreme Court in the case of *Mazhar Ali vs. The State* (2025 SCMR 318). As held that mere abscondence of accused by itself is no ground to refuse bail to him, if otherwise he is entitled to same relief on merits.

10. In the present case, as other co-accused have already been granted bail, the principle of consistency squarely applies, being fortified by the judgment of the Honourable Supreme Court in the unreported case of *Mudassar Khursheed in Criminal Petition No. 255-L/2025, decided on 08-04-2025*, wherein bail was granted on the ground of the rule of consistency. As it has been held that:

*“3. Having heard the arguments of learned counsel for the petitioner and learned Addl. PG appearing on behalf of the State, we have noticed that through the impugned order the learned High Court has extended extraordinary concession of pre-arrest bail to co-accused Mubashar alias Mubashar Khursheed Alam and Khursheed Alam but has refused the same concession to the petitioner on the sole ground that the role of inflicting blow on the head of the complainant with Butt of the pistol has been specifically assigned to him. A look over the FIR would reveal that role of the co-accused is at par to a great extent with the role of the petitioner, therefore on the role of consistency the petitioner was also entitled to be treated at par with his co-accused.*

*underline emphasis*

11. In view of the above, I am of the considered view that the applicant/accused has succeeded in making out a case for the grant of bail. Accordingly, the instant bail application is allowed. The applicant/accused, namely *Aqeel alias Raheem Bux*, is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand

only) and a personal bond in the like amount to the satisfaction of the learned trial Court.

12. Needless to mention, the observations made herein above are tentative in nature and shall not influence the trial Court.

13. The bail application stands disposed of in the above terms.

***J U D G E***

*Ihsan/PS.*