

## IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No. 792/2025

For hearing of bail application.

**28<sup>th</sup> April, 2025.**

**Mr. Muhammad Afzal Gudaro, advocate for the applicant a/w  
applicant (on interim bail)**

**Mr. Muhammad Mohsin, Addl. P.G Sindh**

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**KHALID HUSSAIN SHAHANI, J.** – Applicant Fida Hussain seeks pre-arrest bail in case bearing crime No. 262/2025, offence under Sections 381-A and 34 PPC of Police Station KIA, Karachi. His bail plea was declined by the Court of learned Additional Sessions Judge XII Karachi East vide order dated 18.03.2025.

Heard learned counsel for the applicant and learned Assistant Prosecutor General for the State. The latter has recorded no objections for bail on the principle of consistency.

It is noted that the co-accused Muhammad Mumtaz has already been granted post-arrest bail by the learned trial court vide order dated 19.03.2025. In criminal jurisprudence, the rule of consistency is firmly established, and where the role attributed to the applicant is identical to that of a co-accused who has already been admitted to bail, denial of bail to the applicant serves no useful purpose. Reliance in this regard is placed on the case of *Muhammad Ramzan v. The State* (1986 SCMR 1380), wherein the Apex Court has observed:

*“...3. After hearing the learned counsel we feel that prima facie, at this stage, the case of the petitioner is not distinguishable from that of others to whom bail has been allowed. No useful purpose would be served if the bail of Zafar Ullah Khan respondent is cancelled on any technical ground because after arrest he would again be allowed bail on the ground that similarly placed other accused are already on bail. We, therefore, in the circumstances of this case, do not consider it a fit case for grant of leave to appeal. This petition accordingly, is dismissed.”*

In view of the above, I am of the considered opinion that the applicant has succeeded in making out a prima facie case for the grant of pre-arrest bail within the meaning of Section 497(2) Cr.P.C. Accordingly, the instant bail application is allowed, and the interim pre-arrest bail earlier granted on 24.03.2025 is hereby confirmed on the same terms and conditions, with a direction to the applicant to join the investigation and/or trial proceedings as and when required.

**J U D G E**