

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-526 of 2025

Applicant: Ali Gul *through* Mr. Shabbir Ali Bozdar, Advocate

Respondent: The State, *through* Mr. Gulzar Ahmed Malano,
Assistant Prosecutor General

Date of hearing: 10.7.2025
Date of decision: 10.7.2025

ORDER

Muhammad Jaffer Raza, J.- Through captioned criminal bail application, applicant Ali Gul son of Ali Gohar, by caste Siyal, seeks post-arrest bail in FIR No.29/2025, registered at P.S Khanwahan, District Naushahro Feroze, for the offence punishable under Sections 436, 427, 341, 148, 149 and 504 PPC. He had approached the learned Additional Sessions Judge-I / MCTC, Naushahro Feroze, with the same plea, but it was declined, vide order dated 16.6.2025.

2. The allegations against the applicant/accused is that he along with co-accused overpowered the complainant party on gun point and set on fire their godown.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in this case due to previous enmity, which is clearly admitted in the FIR. He further submits that all the prosecution witnesses are close relatives of the complainant and, therefore, are interested witnesses. It is also argued that there is an unexplained delay of ten days in the lodging of the FIR, which casts serious doubt on the veracity of the prosecution story. Moreover, the identification of the applicant through torchlight, as alleged, is the weakest type of evidence in the eyes of law. Learned counsel further submits that co-accused Ali Hyder and three others, whose role is identical to that of the present applicant, have already been granted pre-arrest bail by the learned trial court. Therefore, on

the rule of consistency, the present applicant is also entitled to the same relief. In these circumstances, the case against the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. lastly he prays that the applicant may be admitted to post-arrest bail.

4. Learned APG opposed the bail application contending that the name of the applicant transpires in the FIR and there is sufficient material on the record to connect the applicant with the alleged offence.

5. I have heard the learned counsel for the respective parties and perused the record available before me.

6. Admittedly, there is an unexplained delay of ten days in lodging the FIR, which raises serious doubts about the prosecution's version and suggests the possibility of due deliberation or consultation particularly in light of the admitted enmity between the parties, as reflected in the FIR itself. It is also noteworthy that the accused were allegedly identified by the complainant party with the help of torchlight, which is a weakest type of evidence. In such circumstances, the case against the present applicant clearly falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. Moreover, the sole allegation against the applicant is that he cut the locks of the godown using a cutter, whereas the main role of setting the godown on fire using matches has been attributed to co-accused Ali Hyder, who has already been granted pre-arrest bail by the learned trial court. The case of the present applicant stands on better footing than that of co-accused Ali Hyder and, therefore, he is entitled to similar relief under the principle of consistency. The investigation has been completed and the challan has been submitted, hence, the applicant is no longer required for investigative purposes.

7. In view of the above circumstances, the applicant has successfully made out a case for the grant of post-arrest bail. Accordingly, this bail application is allowed, and the applicant is admitted to post-arrest bail, subject to furnishing

solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand) and P.R bond in the like amount, to the satisfaction of the learned trial court.

8. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

Sulemen Khan/PA