

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No.452 of 2025

Date	Order with signature(s) of Judge(s)
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1. For order on office objection
2. For hearing of bail application

11.07.2025

Mr. Munawar Hussain, Advocate for the Applicant a/w
Applicant present on interim pre-arrest bail.
Mr. Rab Nawaz Sargana, Advocate for the Complainant
Mr. Muhammad Noonari, DPG

The facts of the case are mentioned in the FIR & challan.
Therefore, it does not need to reproduce here.

Learned counsel for the applicant places a Statement
alongwith challan and copies of the FIR, which have been
lodged by the complainant in different police stations with
regard to his other properties. I have heard the learned counsel
for the parties and perused the record with their assistance.
Learned DPG conceded that while filing the challan before the
concerned Magistrate, I.O. is of the view that so far no evidence
has surfaced out on record against the applicant and he has
placed name of the applicant in Column-2 of the challan.
Learned counsel for the complainant strongly opposed the
confirmation of interim pre-arrest bail on the pretext that
applicant is a beneficiary and he has deprived the complainant
from his lawful property which he has purchased under
registered sale deed. Apparently, the complainant has owned
sale deed of the said property executed in the year 1998. I have
considered the documents and I am in agreement with learned
counsel for the applicant that so far I.O. has firmly reached that

no evidence has come on record against the applicant therefore declining pre-arrest bail would amount to keep incarceration the applicant for indefinite period when ultimately he will file post-arrest bail. In view of the principle laid down by the Hon'ble Supreme Court of Pakistan in the case of Jamaluddin Rabail v. The State (Criminal Petitions No.41-K & 42-K of 2023), the applicant's bail can be confirmed; whereby the principles of doctrine of rule of consistency or equal treatment can apply by courts in criminal case of post-arrest bail are now attracted in pre-arrest bails. The concept and principles are now ruled and laid down by the Hon'ble Supreme Court of Pakistan in the authoritative judgment and it has been held and elaborated the extensive application of doctrine of rule of consistency is also applicable in the case of pre-arrest bails. The conducive portion delineated hereunder:

“As far as the principle enunciated by this Court regarding the consideration for grant of pre-arrest bail and post-arrest bail are entirely on different footings is concerned, we have noticed that in this case both the petitioners are ascribed the same role. For the sake of arguments if it is assumed that the petitioner enjoying ad interim pre-arrest bail is declined the relief on the ground that the considerations for pre-arrest bail are different and the other is granted post-arrest bail on merits, then the same would be only limited upto the arrest of the petitioner Jamaluddin because of the reason that soon after his arrest he would be entitled for the concession of post-arrest bail on the plea of consistency. Reliance is placed on the cases reported as Muhammad Ramzan Vs. Zafarullah (1986 SCMR 1380), Kazim Ali and others Vs. The State and others (2021 SCMR 2086), Muhammad Kashif Iqbal Vs. The State and another (2022 SCMR 821) and Javed Iqbal Vs. The State through Prosecutor General of Punjab and another (2022 SCMR 1424).”

Furthermore, the complainant has already filed a Civil Suit No.656/2022 which is pending adjudication before the VIIth Senior Civil Judge Karachi East with regard to

Declaration, Cancellation of Documents and Permanent Injunction and the document of sale deed bears manually prepared when since 1987 Microfilming of the Property Documents was made enforced in Province of Sindh. In the present case, complainant holds manual registered sale deed which was executed and registered in the year 1998 when about 12 years prior in time, the Microfilming of every document had enforced and the documents essentially require to be registered under the said scheme (Microfilming).

In view of above and categorical findings of the I.O. that no incremental material has come during investigation and the name of the applicant in Column-2, interim pre-arrest bail earlier granted to the applicant vide order dated 20.02.2025 is hereby confirmed on same terms and condition.

JUDGE

Kamran/PS