

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

CrI. Bail Application No. S-482 of 2025

Applicant : Sajjad Ali s/o Arbab Ali Kalhoro
Through Mr. Muhammad Qayyum Arain,
Advocate

The State : Through Mr. Shafi Muhammad Mahar, Deputy
Prosecutor General

Dated of Hearing : 28.08.2025
Dated of order : 28.08.2025

ORDER

KHALID HUSSAIN SHAHANI, J- Applicant Sajjad Ali seeks post-arrest bail in a case bearing crime No.119/2025, registered at Police Station Naushahro Feroze, for offences under Section 397 PPC.

2. The prosecution story, as narrated in the FIR lodged by complainant Meenho Khan, is that on 18.03.2025, while he was returning to his village on a motorcycle along with his uncle Muhammad Bachal and cousin Rizwan, they were intercepted on the Naushahro–Phull link road by three men on a motorcycle. In the headlight of their motorcycle, they identified the culprits to be Azam Tariq, Niaz Hussain, and the present applicant Sajjad Ali. It was alleged that Azam Tariq, armed with a pistol, forcibly snatched their motorcycle while Sajjad Ali and Niaz Hussain deprived the complainant party of a mobile phone and cash in the sum of Rs.3,000. The accused persons then fled away. FIR was lodged the next day with some delay.

3. Learned counsel for the applicant argued that Sajjad Ali has been falsely implicated with mala fide intent, and that no recovery whatsoever has been effected from him during investigation. He further urged that co-accused Niaz Hussain has already been admitted to pre-arrest bail by the learned Sessions Judge on 28.04.2025, while co-accused Azam Tariq has also secured post-arrest bail from the same court vide order dated 05.05.2025. It was

contended that the case of the present applicant stands at par with that of his co-accused, and on the settled doctrine of consistency, he too is entitled to the same concession. It was also submitted that the FIR is delayed without any plausible explanation, thereby indicating consultation and deliberation. As the challan has been submitted, the custody of the accused is no longer required, and since the alleged offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C., bail is to be treated as a rule and its refusal as an exception. Counsel placed reliance upon the celebrated dictum of the Honourable Supreme Court in Tariq Bashir v. The State (PLD 1995 SC 34), as well as other pronouncements emphasizing parity in bail matters.

4. Conversely, learned Deputy Prosecutor General, while opposing the plea, submitted that the applicant is named in the FIR with an active role attributed to him in the commission of robbery at gunpoint, hence prima facie he is not entitled to bail. It was pointed out that the complainant, who happens to be an advocate, had filed affidavits of no objection in favour of co-accused Niaz Hussain and Azam Tariq at the stage of bail before the Sessions Court, but no such indulgence has been extended with regard to the present applicant. Nevertheless, the learned D.P.G. fairly conceded that in view of the principle of consistency, the case of the applicant could not be treated differently.

5. I have given thoughtful consideration to the rival submissions and carefully examined the available record. Although the applicant is named in the FIR and charged with commission of robbery jointly with his co-accused, yet no incriminating recovery has been made from his possession during the course of investigation. There is considerable delay in the registration of FIR without reasonable justification, which by itself introduces doubt about the truth of the allegations. More significantly, both co-accused Niaz Hussain and Azam Tariq have been granted bail by the Sessions Judge and the case of the present

applicant is not distinguishable from theirs. The Supreme Court in *Zafar Iqbal v. Muhammad Anwar* (1986 SCMR 1736) as well as in *Jehan Zeb Khan v. The State* (2010 SCMR 1410) has emphasized that once bail is granted to one accused on certain grounds, the same benefit must ordinarily be extended to other accused similarly placed unless their cases are materially different.

6. It is also settled through *Tariq Bashir's* case (PLD 1995 SC 34) that in offences not falling within the prohibitory clause of Section 497(1) Cr.P.C., grant of bail is a rule and refusal an exception. The record shows that investigation is complete, challan has been submitted, and further incarceration of the applicant would serve no useful purpose. The grounds highlighted above certainly make the case one of further inquiry within the meaning of Section 497(2) Cr.P.C.

6. For these reasons, I hold that the applicant has succeeded in establishing his entitlement to bail. He is accordingly admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (one hundred thousand rupees) and personal recognizance bond in the like amount to the satisfaction of the trial Court.

7. It is clarified that the observations made herein are tentative in nature, and shall not prejudice the parties at the trial.

J U D G E