

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No. D-42 of 2026
(Ahsan Ali Mallah and others Vs The State)

Crl. Bail Application No. D-49 of 2026
Mudasir Ali and others Vs the State

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

Adnan-ul-Karim Memon, J;
Abdul Hamid Bhurgari, J;

Mr. Altaf Hussain Hisbani advocate for the applicants.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General along with Inspector Asghar Ali.

Date of hearing and ORDER: 09-06-2026.

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Adnan-ul-Karim Memon, J; Applicants are present in Court on interim pre-arrest bail vide order dated 3.3.2026.

The applicants/accused are now seeking confirmation of their pre-arrest bail in Crime No.14 of 2026, P.S. Kandiaro, registered for offences under section 341, 147, 353, 123-A & 124-A PPC R/W Sections 6 and 7 of ATA, 1997, contending that they were falsely implicated due to political victimization.

2. Learned counsel for the applicants argued that the applicants were unarmed, no specific role had been assigned to them, the allegations were general in nature, and the case required further inquiry. He further submitted that several co-accused had already been granted bail on the rule of consistency and that the applicants also joined the investigation and complied with all conditions imposed by this Court. He prayed to allow this bail application.

3. Conversely, learned APG opposed the Bail application and submitted that the accused had participated in an unlawful gathering, blocked the road, obstructed public servants in the discharge of their duties, and raised slogans against the sovereignty of Pakistan. He further argued that a video recording of the incident had been obtained and sent for forensic examination. It was also contended that, despite enjoying interim pre-arrest bail, most of the accused failed to join the investigation, thereby misusing the

concession of bail and disentiing themselves to the extraordinary relief of pre-arrest bail. He prayed to dismiss the bail application.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The prosecution case, as set out in FIR No. 14 of 2026 lodged by complainant Ghulam Abbas Rind, is that on 07.01.2026, while the complainant, along with other police officials, was on patrol duty within the jurisdiction of P.S. Kandiaro, they reached Serha Minor and found about 606-5 persons unlawfully assembled and blocking the road while protesting against the Government. Among them, the present applicants and other nominated accused were allegedly identified by the complainant. It is alleged that the applicants, along with their co-accused, obstructed traffic, stopped a passenger coach, blocked the road for about one hour, resisted the police in the discharge of their official duties, and used abusive language against the police party. The accused persons thereafter dispersed from the spot, whereupon the police cleared the road and subsequently lodged the FIR No.14 of 2026 at P.S. Kandiaro against the applicants and others under section 341, 147, 353, 123-A & 124-A PPC R/W Sections 6 and 7 of ATA, 1997.

6. The learned trial court, vide declining bail to the applicants, observed that only accused Ali Gul, Hubdar Ali, Shakeel Ahmed, Tarique Hussain, Sadoro, Mehran Ali, Gulsher, Sikandar Ali, and Abdul Majid had joined the investigation in compliance with the Court's directions. Since they had not misused the concession of bail and had cooperated with the investigating agency, their interim pre-arrest bail was confirmed. However, the remaining accused failed to join the investigation despite being granted protective relief, which amounted to misuse of the concession of bail and violation of the Court's order. Consequently, their applications were dismissed, and the interim pre-arrest bail earlier granted to them was recalled, compelling them to approach this Court, where interlocutory bail was granted to them vide order dated 3.3.2026.

7. It is an admitted position that the applicants have joined the investigation pursuant to the interim protective order granted by this Court and have made themselves available to the investigating agency. No material has been brought on record by the prosecution to demonstrate that the applicants have attempted to abscond,

interfere with the investigation, tamper with the prosecution evidence, or misuse the concession of interim bail in any manner. Therefore, the very ground on which their earlier applications were declined by the learned trial Court, i.e., non-joining of the investigation, no longer survives.

8. The prosecution has relied upon a video recording of the incident; however, according to the prosecution itself, the same has been sent for forensic examination, and its report is still awaited. At this stage, the evidentiary value and authenticity of such material are yet to be determined during the course of investigation and trial. Therefore, no definite conclusion regarding the involvement of the applicants at this stage can presently be drawn based on such unverified material.

9. Furthermore, certain co-accused nominated in the same FIR, who were attributed identical allegations, have already been extended the concession of pre-arrest bail after joining the investigation. The case of the present applicants stands on the same footing, and no distinguishing feature has been pointed out by the prosecution which may justify a different treatment. The rule of consistency, therefore, also warrants similar consideration.

10. Pre-arrest bail is an extraordinary relief intended to protect a person from unnecessary humiliation and abuse of the process of law. In the facts and circumstances of the present case, particularly where the allegations are of a general nature, no specific role has been assigned to the applicants; they have joined the investigation and have complied with the directions of this Court, and their further custodial interrogation does not appear necessary at this stage.

11. For the foregoing reasons, without expressing any opinion on the merits of the main case, the interim pre-arrest bail granted to the applicants vide order dated 03.03.2026 is hereby confirmed on the same terms and conditions.

12. The observations made herein are tentative in nature and shall not prejudice either party during trial.

13. Both bail applications are disposed of in the above terms.

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ARBROHI/PS