

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-219 of 2026

Applicant: Aijaz Ali s/o Ghulam Sarwar @ Umed Ali
Through Mr. Mir Ghulam Mustafa Bagrani
advocate.

Respondent: The state through Mr. Ghulam Abbas
Dalwani, learned D.P.G.

Date of Hearing: 09.07.2026

Date of Order: 09.07.2026

O R D E R

Khalid Hussain Shahani, J:- Applicant Aijaz Ali seeks post arrest bail in a case bearing Crime No. 35/2025, registered under Sections 392/34 of the Pakistan Penal Code at Police Station Darya Khan Rind alias Maqsoodo Rind, his earlier petition having met refusal at the hands of the learned Additional Sessions Judge, Shahdadpur, vide order dated 28.02.2026.

2. The prosecution narrative, as unfolded in the First Information Report, discloses that on 09.08.2025, the complainant, accompanied by his associate Muhammad Farooque son of Ali Gul Bugti, had journeyed to Nawab Shah on a motorcycle in pursuance of their property business, and while returning towards Shahdadpur in the evening hours, upon reaching the vicinity of Sarfaraz Lashari Road on the Maqsoodo-Shahdadpur thoroughfare at about 1930 hours, they were waylaid by three unidentified assailants travelling on a motorcycle, two of whom brandished pistols and, under menace of firearms, compelled the complainant party to halt. The faces of the culprits, it is asserted, remained unconcealed and thus

susceptible to subsequent identification. At gunpoint, the assailants are alleged to have divested the complainant of Rs. 1,65,000/-, an iPhone 15 Pro Max valued at Rs. 2,10,000/-, and an Infinix Hot 50 handset valued at Rs. 65,000/-, and relieved his companion Muhammad Farooq of Rs. 50,000/-, a Vivo Y03 handset valued at Rs. 30,000/-, and his original CNIC, besides inflicting blows upon the motorcycle with their weapons before decamping. The complainant thereafter repaired to the police station and set the law into motion by lodging the instant report.

3. Learned counsel for the applicant has argued with considerable emphasis that his client stands enmeshed in a false and fabricated prosecution, contending firstly that the applicant's name is conspicuously absent from the F.I.R.; secondly, that it was only after a lapse of two months from registration of the case that the complainant, purportedly at the instigation of an inimically disposed police apparatus, implicated the applicant through a supplementary statement recorded under Section 162 Cr.P.C.; and thirdly, that no recovery whatsoever stands effected from the applicant's possession. He further submitted that the F.I.R., having been lodged after an unexplained delay of some 49 days, is fatal to the prosecution's case, such delay being indicative of deliberation, consultation, and malicious embellishment.

4. Conversely, the learned Deputy Prosecutor General, appearing on behalf of the State, candidly conceded that co-accused Payar Zardari, facing identical allegations, has already been extended the concession of bail by the learned Additional Sessions Judge, Shahdadpur, vide order dated 22.05.2026.

5. This Court has heard learned counsel for the applicant and the learned D.P.G. at considerable length and has subjected the record to meticulous scrutiny. It emerges that the applicant's name does not figure in the F.I.R., that no identification parade was ever conducted, and that the sole thread connecting the applicant to the offence is a belated statement under Section 162 Cr.P.C. recorded on 08.11.2025, bereft of any disclosed source of information, a matter which must necessarily await determination of its evidentiary worth at trial. It is a well-entrenched principle that where a co-accused, similarly circumstanced, has been admitted to bail, parity demands that like treatment be extended, subject always to a demonstration that the accused's case is genuinely on the same footing. The Supreme Court has clarified that invocation of the rule of consistency requires the applicant to establish that his position is truly analogous to that of the enlarged co-accused, having regard not merely to the F.I.R. but to the evidence collected during investigation. Applying this yardstick, since the role attributed to the applicant mirrors that of co-accused Payar Zardari, who has already secured bail and no recovery has been effected from the applicant, the rule of consistency squarely operates in his favour.

6. For the foregoing reasons, this Court is of the considered opinion that the case against the applicant falls within the contemplation of Section 497(2) Cr.P.C., warranting further inquiry into his guilt. Accordingly, the applicant, Aijaz Ali son of Ghulam Sarwar alias Umed Ali, is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs. 10,000/- (Rupees Ten Thousand) together with a personal

recognizance bond in the like amount, to the satisfaction of the learned trial Court.

7. It is clarified, lest any misapprehension arise, that the observations recorded hereinabove are of a tentative and preliminary nature, confined exclusively to the disposal of the instant application, and shall not be taken to prejudice either party at the trial on merits.

The instant criminal bail application stands disposed of in the terms noted above.

JUDGE

"Chander Kumar"