

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-336 of 2026

Applicant: Wajid Ali son of Rustam Ali Kalhoro through
Mr. Sohindar Kumar, Advocate.

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

Date of hearing: 15.09.2026.

Date of Order: 23.09.2026

ORDER.

Suresh Kumar, I --- Applicant named above seeks post arrest bail in a case bearing crime No. 183/2024, offence u/s 395, 342, 109 PPC registered at Police Station Gambat District Khairpur.

2. The brief facts of the case, as depicted in the FIR, are that the complainant has a wholesale mobile shop situated at Bhitai Chowk Gambat, which was run by him and his brother, Umair Ahmed. On 27.08.2024 at 10:30 p.m., they closed their shop as usual and went home to sleep, as private security guards, namely Wajid Ali and Ghulam Murtaza, were performing their duty. On 28.08.2024 at Fajr time, he, his brother Umair, and relative Shahzad went on foot at 4:45 a.m. towards Bhitai Chowk and saw that the doors of his shop were opened. Four accused were present there; they saw and identified Faiz Muhammad, son of Rehmatullah Lashari, 2. Qambar, son of not known, 3. Sathi son of not known and one unknown accused person. One silver Corolla car and two 125 motorcycles were parked outside his shop. The accused Shakeel Ahmed and Muhammad Muawia alias Sameer and Meer Khan were illegally detained security guards Wajid Ali Hajano (the present applicant) and Ghulam Murtaza Lashari in their car, while accused Nishan Ali and eight unknown persons armed with pistols stood near the motorbikes and cars. They clearly saw and identified them. They aimed their pistols at them and asked them to remain silent. They loaded mobile phones into sacks and loaded the robbed property into the car after alighting Wajid Ali and Ghulam Murtaza from their cars; thereafter, they fled away in their cars and motorbikes towards the National Highway road. Thereafter, the

accused who were on motorbikes disclosed while leaving that they had committed the offence at the instigation of the locality of Gambat. Subsequently, ASI Zubair Ahmed Soomro, Incharge 15, along with his team, arrived at the scene, to whom the complainant narrated the facts. They went inside the shop and found that Rs. 73,00,000/- in different currency notes had been robbed, and the property mentioned in the FIR was missing/stolen. Thereafter, the Incharge 15 arranged for a forensic team from Larkana, who came there and took finger samples and sealed them for interrogation. Subsequently, the complainant, along with his brother, went to the accused at the otaq of Qamar Gadehi and Muhammad Muawia alias Sameer, but they refused to return the property; then they went to the police station and lodged the FIR.

3. The applicant initially sought post-arrest bail from the Court of the learned Additional Sessions Judge Gambat, which was dismissed via order dated 04.12.2025. Aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicant/accused and the learned Deputy Prosecutor General for the State, who opposed the grant of post-arrest bail.

5. Having given due consideration to the arguments advanced by the counsel for the parties and perused the material available on record, it reveals from the perusal of the FIR that the applicant/accused was not nominated as accused in the FIR, but he has been implicated as accused through further statements of the complainant and PWs, which were recorded on 23-10-2024 after a delay of one month; therefore, deliberation and consultation cannot be ruled out. The record further reveals that no recovery has been effected from the present applicant/accused. Record also reveals that co-accused Muhammad Muawia, who has been nominated in the FIR, has been granted bail vide order dated 06-10-2025 passed by this Court in Cr. Bail Application No. S-644/2025 on the ground that no recovery has been effected. This Court, while passing the order for the co-accused in Criminal Bail No. 644/2025, has held as follows:

“...The record, however, shows that the custody of the present applicant was available to the police; the same is attributed to a different crime; however, the said custody in the aforementioned FIR and its eventuality, along with the delay in lodging the present FIR, shows otherwise, and in the said circumstances, the matter of the applicant not being available for investigation loses its value. No recovery having been effected in respect of the present applicant. The case of further inquiry is found available and accordingly, the bail application is allowed.”

6. The case of the present applicant/accused is on much better footing as he is neither nominated in the FIR nor has any recovery been effected from his possession; therefore, the applicant/accused also entitles concession of bail in view of rule of consistency. In similar circumstances, the Hon’ble Supreme court in the case of *Ataullah v. The State* (2024 SCMR 1210), has held as under:

(c) Criminal Procedure Code (V of 1898)--- ---S. 497(2)--- Constitution of Pakistan, Art. 185(3)---Bail---Rule of consistency--
- Scope---Rule of consistency, or in other words, the doctrine of parity in criminal cases, including bail matters, encapsulates that where the incriminated and ascribed role to the accused is one and the same as that of the co-accused then the benefit extended to one accused should be extended to the co-accused also on the principle that like cases should be treated alike but after accurate evaluation and assessment of the co-offenders' role in the commission of the alleged offence---While applying the doctrine of parity in bail matters, the Court is obligated to concentrate on the constituents of the role assigned to the accused and then decide whether a case for the grant of bail on the standard of parity or rule of consistency is made out or not.

7. Moreover, the arrest of the applicant/accused was shown to be on 31-10-2024 in the Challan of the present case. This means the accused has been in custody for about 23 months, and the case has not been concluded. It is well settled that the bail cannot be withheld as punishment.

8. For the reasons above and guidance from the above case laws, I am of the considered view that the applicant/accused has made out his case for the grant of bail. Therefore, the applicant/accused is granted bail subject to furnishing surety in the sum of Rs. 100,000/- (One lac) with a P.R bond in the like amount to the satisfaction of the trial Court.

9. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party.

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