

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Zulfiqar Ali Sangi

Crl. Bail Application No. D-109 of 2026

Applicant : Raja Khan @ Sajjad Lashari s/o Ghulam Sarwar
Through Mr.Sajjad Ali Gopang, Advocate

The State : Mr.Altaf Hussain Khokhar, Deputy Prosecutor General

Dates of hearing : 17.09.2026

Date of short order: 17.09.2026

Date of reasons : 17.09.2026

O R D E R

ABDUL MOBEEN LAKHO, J:- Through this Bail Application, applicant Raja Khan Lashari alias Sajjad Lashari seeks post-arrest bail in Crime No.15 of 2024, registered at Police Station CTD, Hyderabad, for offences under Sections 324 and 353 PPC, read with Sections 4 & 5 of the Explosive Substances Act, 1908 and Sections 6/7 of the Anti-Terrorism Act, 1997. His earlier bail application was dismissed by the learned Anti-Terrorism Court, Hyderabad vide order dated 10.03.2026.

2. Briefly, the prosecution case is that on 24.10.2024 the CTD police allegedly received spy information regarding the presence of two persons associated with SRA near Pathan Goth, K.B. Feeder, Jamshoro. According to the prosecution, on seeing the police party both persons allegedly resorted to firing upon the police. One accused namely Younis Khan alias Azad was apprehended on the spot along with a hand grenade and pistol, whereas the present applicant allegedly escaped from the place of incident and was subsequently nominated by the arrested co-accused.

3. Learned counsel for the applicant contended that the applicant was neither arrested at the spot nor any incriminating article was recovered from his possession. He further submitted that the name of the applicant surfaced only through the statement of co-accused, which has no independent evidentiary value. He further argued that the co-accused Younis Khan alias Azad, from whose possession the alleged hand grenade and pistol were actually recovered, has already been granted post-arrest bail by the learned Anti-Terrorism Court, Hyderabad vide order dated 21.01.2025.

4. Learned D.P.G. opposed the application and supported the impugned order.

5. We have heard learned counsel for the parties and perused the material available on record.

6. Tentative assessment of the record reflects that admittedly the present applicant was not arrested at the place of occurrence and no weapon, explosive substance or any other incriminating article was recovered from his possession. His nomination in the present case is primarily based upon the disclosure allegedly made by co-accused Younis Khan alias Azad.

7. It is further a matter of record that co-accused Younis Khan alias Azad, from whose possession the alleged hand grenade, pistol and ammunition were reportedly secured, has already been enlarged on bail by the learned Anti-Terrorism Court, Hyderabad. While granting bail, the learned Court observed that the alleged occurrence was one of ineffective firing, no person from either side sustained injuries, the hand grenade remained in official custody and was subsequently defused and despite prior information no independent person was associated in the proceedings.

8. The case of the present applicant is on a better footing than that of the aforesaid co-accused. The rule of consistency is a known principle of criminal jurisprudence and where a co-accused having an identical or more

severe role has been granted bail, denial of the same relief to another accused would ordinarily require distinguishing circumstances, which prima facie are not available in the present case. The Honourable Supreme Court of Pakistan in **Muhammad Iqbal v. The State (2021 SCMR 424)** reiterated that the rule of consistency is an important consideration in bail matters. Likewise, in **Tariq Bashir and others v. The State (PLD 1995 SC 34)**, it was held that where further inquiry is made out, the benefit thereof must go in favour of the accused.

9. Keeping in view the fact that no recovery was effected from the present applicant, his nomination primarily rests upon the statement of co-accused, the co-accused from whom the actual recovery was allegedly made already stands admitted to bail and the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C., we are of the tentative view that the applicant has made out a case for grant of post-arrest bail.

10. Consequently, this Criminal Bail Application is **allowed**. Applicant Raja Khan Lashari alias Sajjad Lashari is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

11. The observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

12. The above are the reasons of our short order dated 17.09.2026.

JUDGE

JUDGE