

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-833 of 2026

Applicants:

1. PC Ali Gohar son of Raheem Bux Mahar
2. PC Zaffarulah son of Belo Mahar.
3. PC Faiz Muhammad s/o Kareem Bux Mahar.
4. PC Muhammad Aslam son of Saeed Khan Kolachi.
5. PC Ishtiaque Ahmed son of Kareem Bux Kolachi.
6. PC Khurshed Ahmed son of Haji Bhooral Mahar.
7. PC Javeed Ahmed son of Ghulam Muhammad Mahar.

(All confined in District Jail Ghotki) **Through** M/s Shabbir Ali Bozdar, Hajjan Shah and Miss Aaraf Soomro advocate.

The State **Through** Mr. Muhammad Raza Katohar, Deputy Prosecutor General, Sindh.

Date of hearing & Orders: 15-10-2026.

ORDER.

Suresh Kumar, J.--- Through the instant bail application, the applicants named above seek post arrest bail in a case bearing crime No. 158/2026, offence u/s 222, 223, 224 PPC r/w section 155-C, 155-D of Sindh Police Act, 2019 registered at Police Station Ubauro, District Ghotki.

2. The facts of the prosecution case, as depicted in the FIR lodged by complainant SIP/SHO Rafique Ahmed Soomro lodged the FIR on 10-08-2026 alleging therein that he along with his subordinate staff left police station for patrolling. At about 1500 hours, when they reached the G.T road near NADRA office, where he received spy information that notorious and rewarded arrested accused Rahib Shar and Morio Shar

along with other accused had been brought to the Court of learned Additional Sessions Judge Ubauro and due to negligence, carelessness and irresponsibility of the police personnel namely SIP Fida Hussain, ASI Mazhar Din, HC Nazeer Ahmed, PC Ali Gohar, PC Zafarullah, PC Faiz Muhammad, PC Ali Bahar, PC Saifullah, PC Muhammad Alam, PC Ishtiaque Ahmed, PC, PC Khurshed Ahmed and PC Javed Ahmed, who were deputed with the above said prisoners/accused persons and due to their negligence they above named prisoners who are notorious and rewarded criminal escaped away from the lockup of the Court by breaking the window. Ultimately complainant appeared at Police Station and lodged the above said FIR.

3. I have heard learned counsel appearing on behalf of the applicant/accused, learned Deputy P.G for the State, who has strongly opposed the bail application.

4. Having given due consideration to the arguments advanced by the learned counsels representing the respective parties, perused the relevant record. From the perusal of FIR, it reveals that prisoners Rahib Shar and Morio Shar who were involved in heinous offense escaped away by breaking the windows due to grass negligence of the applicants/accused from the lockup of the Court where they were brought along with UTPs. Moreover, no any cogent evidence is available on record that applicants/accused intentionally allowed or aided the prisoners to escape from the lockup of Court. In the Similar circumstances this Court in the case of Muhammad Ramzan Vs. The State (2006 P.Cr.L.J 408) has granted bail and has held as under:-

*---S. 497---Penal Code (XLV of 1860), Ss.221, 222, 223, 225(iii)
& 225-A---Bail, grant of---Accused persons being police constables*

were on guard duty over under-trial prisoners under treatment in jail ward of the hospital---Allegation against accused was that an under-trial prisoner escaped due to their negligence---Prima facie offence against accused persons fell under S.223, P.P.C.---Sufficient evidence though was not available with prosecution to show that accused had intentionally allowed or aided said prisoner to escape, but even offence of intentionally allowing escape fell under S.221, P.P.C., which was also bailable---Offence under S.225-A, P.P.C. which was the residuary section regarding the cases not covered by Ss.221, 222 and 223, P.P.C., was also bailable---Trial Court had rejected bail application of accused only on the ground that police had subsequently applied S.225(iii), P.P.C., but said section had no applicability to accused as it was applicable to cases of intentionally offering residence or obstruction in apprehending offenders or rescuing them from custody, but no such allegation was recorded against accused---Court was not bound by ipsi dixit of police particularly in the matters of application of proper section of law---Court being more expert in the field of law, had to apply its own mind and find out proper provision of law applicable to the facts and circumstances of a case---Offence made out against the accused being bailable, they were entitled to bail as a matter of right---Accused, accordingly were directed to be released on bail.

5. In the present case sufficient evidence is not available with the prosecution to show that applicants had intentionally allowed or aided the prisoners to escape; therefore, the case against the applicants/accused falls within the ambit of further inquiry.

6. For the foregoing reasons above and guidelines taken from the above referred case law, I am of considered view that the applicants/accused have successfully made out a case for the grant of bail, therefore, they are admitted to bail subject to furnishing solvent surety in the sum of Rs. 50,000/- (Fifty thousand) each and P.R bond in the like amount to the satisfaction of learned trial Court.

J U D G E