

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1874 of 2026

Applicant : Muhammad Oshaq S/o. Muhammad Saleh
Through Mr. Salahuddin Khan Gandapur,
Advocate

Complainant : Rashid Ali son of Abdul Aziz
Through: Nemo

The State : Through Mr. Sharafuddin Kanhar, APG
a/w SI-Gul Munir of PS Shah Latif Town.

Date of hearing : 30.09.2026.

Date of order : 30.09.2026.

ORDER

Jan Ali Junejo, J.— Applicant Muhammad Oshaq S/o. Muhammad Saleh seeks pre-arrest bail in a case bearing Crime No. 1551/2025, for offence under section 380/381/114/504/506/34 PPC registered at PS Shah Latif Town. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-IV, Malir at Karachi, which was declined vide order dated 12.06.2026. He was admitted to interim pre-arrest bail by this court vide order dated 18.06.2026, now the matter is fixed for confirmation of interim bail or otherwise.

2. The facts of the FIR, lodged by complainant Rashid Ali S/o. Abdul Aziz Rajput on 18.10.2025 at 1600 hours at Police Station Shah Latif Town, Karachi, are that he resides in Barrack No.01 inside Popular Factory Limited, Main National Highway Road, Shah Latif Town, Malir, Karachi, and works as an Admin Manager in the said company. On the date of incident, while present in the company, he received information that the company's supervisor Muhammad Sharif S/o Hameed Khan, along with his companions Abdul Wahab S/o. Muhammad Hanif Pathan, Akbar Ali S/o Khan Tota Pathan, Aushak S/o Muhammad Saleh, and one facilitator Wajid S/o unknown, were loading stolen fabric from the grey department of the company into a Mazda load container bearing registration No.JY-5525. On receiving the information, the complainant, accompanied by co-workers Muhammad Iqbal and Shafiq, rushed to the spot and saw the accused persons loading the stolen cloth. Upon raising hue and cry, accused Abdul Wahab and Akbar Ali were apprehended on the spot along with the Mazda load container containing about 13,130 meters of stolen fabric, while accused Muhammad Sharif, Aushak and Wajid managed to flee from the scene, hurling abuses and issuing threats of dire consequences. The complainant informed the company's owners,

who stated that approximately 16 to 17 crore rupees worth of fabric had previously been stolen. Thereafter, the complainant handed over the arrested accused and the recovered stolen goods to police for legal action. Hence, the present FIR was registered against both arrested and absconding accused persons.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with mala fide intentions, submitting that he was a low-level worker having no access to the alleged grey department or inventory and was made a scapegoat for unexplained losses. He further submitted that the applicant has a documentary plea of alibi, having remained hospitalized from 15.10.2025 to 20.10.2025, covering the alleged date of occurrence i.e. 18.10.2025, supported by certified hospital record, which, according to learned counsel, constitutes unimpeachable evidence in terms of *Muhammad Ramzan v. The State* (2019 SCMR 567). He argued that no stolen property or incriminating article was recovered from the applicant, while two co-accused were allegedly apprehended with the stolen fabric, and that his implication is based mainly on hearsay information and the alleged statement of a co-accused. He further contended that CCTV footage, biometric attendance and gate-entry records, which could corroborate the applicant's alibi, were withheld by the prosecution despite requests, attracting the presumption under Article 129(g) of the Qanun-e-Shahadat Order, 1984. Learned counsel also claimed parity with co-accused Naheed Ahmed and Abdul Wahab, who had been granted bail, and submitted that the offences under Sections 380, 381, 504, 506 and 34 PPC do not fall within the prohibitory clause of Section 497 Cr.P.C. He further submitted that the applicant had joined and cooperated with the investigation, regularly appeared before the investigating officer and Court, had not absconded or tampered with evidence, and had no criminal antecedents. He contended that subsequent FIR No.892/2026 regarding alleged kidnapping was a counterblast and concerned a separate occurrence having no nexus with the present case. Lastly, learned counsel submitted that the impugned order suffers from misappreciation of the documentary alibi, withheld evidence, principle of parity and the non-prohibitory nature of the offences, and prayed that the same be set aside and the applicant be admitted to pre-arrest bail.

4. Conversely, learned APG vehemently opposed for confirmation of bail on the ground that sufficient material is available on record to connect with the applicant/accused with the commission of offence.

5. I have heard the learned counsel for the applicant as well as the learned Assistant Prosecutor General and have perused the material available on record with their able assistance.

6. Since, co-accused Muhammad Sharif son of Jam Khan on same sort of allegations is already on post-arrest bail granted by this court vide order dated 16.03.2026 in Cr. Bail Application No. 3368/2025 as well as co-accused Nahed Ahmed son of Sher Muhammad has already granted pre-arrest bail granted by the learned Additional Sessions Judge-IV, Malir at Karachi vide order dated 19.11.2026, therefore, applicant also deserves same concession on the rule of consistency. Reliance can be placed on case titled as Pir Bakhsh v. The State and others [2010 MLD 220], wherein it is held,

“6. Rule of consistency is always taken into consideration by the Courts since long because a person cannot be denied for the grant of bail whose case is at par of an accused who had already been released on bail. The Courts have to give equal treatment to the accused persons having one and the same role in the same case. Reliance upon the cases of Muhammad Fazal alias Bodi v. The State (1979 SCMR 9), Khadim Hussain v. The State (1983 SCMR 124), Manzoor Ahmad and others v. The State (PLJ 1999 Cr.C. (Lahore) 570) and Muhammad Daud and another v. The State and another (2008 SCMR 173). As the case of the petitioner is at par with that of his co-accused Zulifqar and Ghulam Rasool who had already been allowed bail by the learned Additional Sessions Judge, therefore, following the rule of consistency, the petitioner is also entitled to the bail.”

7. Keeping in view the above facts, prima facie applicant has succeeded to make out case for further inquiry, as envisaged under Section 497(2) Cr.P.C. Consequently, the bail application is allowed and the interim pre-arrest bail granted by this Court to the applicants/accused vide order dated 18.06.2026 is hereby confirmed on the same terms and conditions. However, applicant/accused is directed to attend the trial.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

J U D G E