IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-793 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Mushtaque S/O Junaid by caste Rind

Through Mr. Muhammad Tarique Panhwar, Advocate.

The State: **Through Mr. Shafi Muhammad Mahar, D.PG.**

Date of hearing & order: **02.11.2026**.

Suresh Kumar J:- Through instant Criminal Bail Application applicant/accused Mushtaque Rind seeks pre arrest bail in Crime No.204/2024 for the Offences punishable U/Ss 302, 148, 149 PPC registered at Police station B-Section, Khairpur. Previously the bail application of applicant/accused was dismissed in non prosecution due to non furnishing of surety papers, therefore, applicant/accused has filed present bail application.

2. The facts of the prosecution, in nutshell are that the applicant/accused along with others is assembled for aerial firing while rest of accused who by nominated committed offence u/s 302 as they were involved for the commission of murder of deceased Ahsan Ali.

3. The applicant/accused initially approached before the Court of Sessions Judge, Khairpur, for grant of pre-arrest bail which was dismissed vide order dated 28.08.2024, by learned 3rd. Addl. Sessions Judge, Khairpur. Being aggrieved by this dismissal order, the applicant/accused has approached this Court.

4. I have heard learned counsel for applicant/accused, and learned D.P.G Sindh. Learned counsel for applicant/accused has contended that co-accused Gulo @ Gul Muhammad has already been granted pre arrest bail by this Court having same role as assigned to the present applicant/accused

therefore, he is also entitled for grant of pre arrest bail. While learned D.P.G has conceded the argument advanced by learned counsel for applicant/accused.

5. Having given due consideration to the arguments advanced by the learned counsel for the parties and having perused the material available on record, it appears from the perusal of the FIR that the applicant/accused, Mushtaque, has been assigned the role of aerial firing, which is a general nature allegation. Therefore, the case against the applicant/accused falls within the ambit of further inquiry as envisaged in Section 497(2) Cr.P.C. The co-accused, Gulo @ Gul Muhammad, who has been assigned the same role of aerial firing, has already been granted pre-arrest bail by this Court vide order dated 03.03.2025. Consequently, the applicant/accused is also entitled to the concession of pre-arrest bail in view of the rule of consistency. Moreover, previous enmity between the parties is admitted in the FIR; therefore, mala fide on the part of the complainant cannot be ruled out. Furthermore, the applicant/accused has joined the investigation and has not misused the concession of interim pre-arrest bail.

6. For the foregoing reasons, I am of the considered view that the applicant/accused has made out a case for the confirmation of interim pre-arrest bail. Therefore, the interim pre-arrest bail granted to the applicant/accused on 24.08.2026 is confirmed on same terms and conditions, with a directions to appear before the trial court till final disposal of the case.

J U D G E

Hizbullah