

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-1105 of 2025.
Crl. Bail Application No.S-1148 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: 1. Kashif Ali @ Saeth Ali S/O Sajan Ali
2. Abdul Wahab S/O Saifal Ali Bhanbhan,
through M/S Rukshar Ahmed Junejo and Aijaz
Ahmed Punoo Advocate.

3. Allah Bux @ Naveed @ Baqa Ali S/O Dilawar
Bhanbhan through Mr. Sheeraz Fazal Advocate.

Complainant: Mst. Lal Khatoon @Sharifan W/O Sabir Khan
Bhabhan, through Mr.Zulfiquar Ali Panhwar
Advocate

The State: Through Mr. Mansoor Ahmed Shaikh D.PG.

Date of hearing & order: 08.09.2026.

Suresh Kumar J:- Through this common order, I intend to dispose above two bail applications shown above through which the applicants namely Kashif Ali @ Saeth Ali, Abdul Wahab and Alalh Bux @ Naveed @ BaqarAli all by caste Bhanbhan seek pre- arrest bail in Crime No.72 of 2025 registered at PS Halani, District Naushahro Feroze for offences punishable U/Ss 302,324, 147,148 & 504 PPC.

2. The facts of the prosecution as depicted in the FIR are that the complainant, Mst. Lal Khatoon @ Sharifan, lodged the FIR on 04.05.2025 at 0600 hours at the common street/house of the complainant situated in Deh Pir Watio, Taluka Mehrabpur. The present applicant/accused, armed with a lathi, along with other co-accused wielding iron rods, caused blows to the deceased, Muhammad Yaseen, on his head, resulting in the death of Muhammad Yaseen.

3. The applicants initially sought pre-arrest bail from the Court of the learned Additional Session Judge Kandiaro, through separate bail applications which were dismissed vide order dated. Being aggrieved by this dismissal order, the applicants have approached this Court.

4. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant material, it is revealed from the FIR that the applicants, along with other co-accused Majid, Sajjan, Dilawar, and Momin, armed with lathis, have been assigned the general role of causing lathi injuries to the witnesses, namely Naseem Ali and Zaheer Ali, while co-accused Mst. Irshad Khatoon and Bashir Ahmed have allegedly caused iron rod blows to the deceased, Muhammad Yaseen, who is said to have expired after sustaining these blows. The learned counsel for the applicants has mainly contended that co-accused Momin Bhabhan, having been assigned the same role as the present applicants, has been granted post-arrest bail by the learned trial court via order dated 27.08.2025, and that order has not been challenged so far; therefore, the applicants are also entitled to the confirmation of pre-arrest bail in view of the rule of consistency. The learned DPG for the State has conceded that the present applicants have been assigned the same role as co-accused Momin, who has been granted post-arrest bail by the learned trial court. Admittedly, the present applicants, Kashif Ali @ Saeth Ali, Abdul Wahab, and Allah Bux @ Naveed @ Baqa Ali, have been assigned the same role as that of co-accused Momin, who has been granted post-arrest bail; therefore, no useful purpose would be served by refusing bail before arrest on technical grounds if the applicants/accused have made out a case for bail after arrest. In this regard, reliance is placed upon the case law reported in Muhammad Nadim v. The State (2023 SCMR 184). The applicants/accused

have not misused the concession of bail after granted of interim pre arrest bail by this Court and are regularly attending this court as well as the trial court.

5. For the foregoing reasons and guidance taken from the above case law, I am of the considered view that applicants/accused have successfully made out a case for grant of pre arrest bail, therefore the interim pre arrest already granted to the applicants on 03.12.2025 & 13.11.2025, respectively, are hereby confirmed on same terms and conditions with direction to appear before trial Court.

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

J U D G E

Hizbullah

