

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Criminal Bail Application No. S-435 of 2026

Before:

Mr. Justice Ali Haider 'Ada'.

Applicants : 1. Sartaj,
2. Abdul Hafeez,
3. Rabail,
4. Abdul Waheed,
5. Rabail
6. Shahid Ali, *through* Mr. Farhat Ali Bugti, Advocate.

The State : Through Mr. Nazir Ahmed Bangwar,
Deputy Prosecutor General Sindh.

Complainant : Through Mr. Shahzado Sodhar,
Advocate.

Date of Hearing : 21.09.2026
Date of Order : 21.09.2026.

ORDER

Ali Haider 'Ada' J.- Through this bail application, the applicants seek pre-arrest bail in FIR No.88/2026, registered at Police Station Mehar, District Dadu, for offences punishable under Sections 395, 506/2, 504, 148, 149, 337-A(i), F.(I), P.P.C., lodged by the complainant, Sarfraz Ahmed. The date of incident is mentioned as 06.03.2026, whereas the FIR was registered on 07.03.2026. Prior to this, the applicants approached the learned II-Additional Sessions Judge, Mehar, however, their bail applications were dismissed vide order dated 12.03.2026.

2. The crux of the prosecution case is that the complainant alleged that the accused persons, including the present applicants, duly armed with deadly weapons, entered the premises of the Rice Mill and thereafter robbed cash amounting to Rs.3,00,000/- or Rs.4,00,000/-, whereafter the incident was reported to the police.

3. Learned counsel for the applicants submits that there is enmity between the parties and that there is delay in the registration of the FIR. He further submits that the allegations against the applicants are general in nature. He also submits that several FIRs are pending against the complainant party.

4. When confronted by this Court as to whether the alleged FIRs against the complainant party had been annexed with the bail application or otherwise placed on record, learned counsel is unable to substantiate such assertion or place any material before the Court. Thus, such plea cannot be believed in the absence of any supporting material.

5. Learned counsel further submits that co-accused, namely Shahid and Nadeem, were granted bail by the learned trial Court and, therefore, the rule of consistency applies. In support of his contention, he relies upon 2022 YLR Note 81, 2017 YLR Note 381 and 2010 P.Cr.L.J. 454, besides certain unreported judgments.

6. On the other hand, learned counsel for the complainant submits that specific allegations have been levelled against the present applicants. He contends that pre-arrest bail can only be granted where mala fide is shown, whereas the applicants have failed to establish any mala fide on the part of the complainant. He, therefore, submits that the case falls within the prohibitory clause and the applicants are not entitled to the concession of pre-arrest bail.

7. Conversely, learned DPG submits that the co-accused who were granted bail by the learned trial Court were extended such concession on the basis of a compromise effected between the parties, pursuant to which some amount was returned through the co-accused. He submits that the present applicants, having remained on interim pre-arrest bail, have neither returned the robbed amount nor shown any willingness to do so. Therefore, according to him, the rule of consistency is not attracted and the bail application is liable to be dismissed.

8. Heard and perused.

9. The applicants are nominated in the FIR with specific allegations that they, duly armed with deadly weapons, entered the Rice Mill and committed robbery of the alleged amount. At this tentative stage, there is nothing available on record to suggest that the applicants have been falsely implicated. The contention regarding previous enmity and pendency of FIRs against the complainant party has also not been substantiated by any documentary material. Despite being confronted by the Court, learned counsel for the applicants failed to place on record any FIR or other material in support of such assertion. Therefore, such an unproven plea cannot be made the basis for extending the extraordinary concession of pre-arrest bail.

10. So far as the plea of consistency is concerned, the record reflects that the co-accused who were granted bail had returned the robbed amount pursuant to the compromise effected between the parties. The circumstances in which such concession was extended to the co-accused are, therefore, distinguishable from those of the present applicants. The rule of consistency cannot be invoked where the factual circumstances of the accused seeking such benefit are materially different.

11. In the absence of any mala fide on the part of the complainant to falsely implicate the applicants, and where nothing has been brought on record to suggest any ulterior motive, the extraordinary concession of pre-arrest bail is not attracted. Moreover, the essential ingredients for the grant of pre-arrest bail are also lacking in the present case. The grounds urged by learned counsel for the applicants, therefore, do not advance their case. Reliance is placed upon **Muhammad Arshad v. Muhammad Rafique (PLD 2009 SC 427)** and **Zahid alias Zahid Hussain Jatoi v. The State (2026 YLR 220)**.

12. Furthermore, where the case does not fall within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C, the concession of bail cannot be extended. In this regard, reliance is placed upon It is also a settled proposition that where there are reasonable grounds to believe that the accused has committed an offence punishable with imprisonment for life, the case squarely falls within the

prohibitory clause of Section 497, Cr.P.C., and the grant of bail is restricted. Reference in this regard may be made to **Sher Muhammad v. The State (2008 SCMR 1451)** and **Shoukat Ilahi v. Javed Iqbal and others (2010 SCMR 966)**. Upon tentative assessment of the available material, the case of the applicants does not fall within the ambit of further inquiry. In similar circumstances, the Honourable Supreme Court of Pakistan has declined bail in **Bakhti Rehman v. The State (2023 SCMR 1068)** and **Muhammad Atif v. The State (2024 SCMR 1071)**.

13. Keeping in view the foregoing facts and circumstances, the bail application is dismissed and the ad-interim pre-arrest bail earlier granted to the applicants by this Court vide order dated 02.09.2026 is hereby recalled. The applicants, who are present before this Court on interim pre-arrest bail, are taken into custody. The Investigation Officer is directed to obtain their remand and thereafter proceed with in accordance with law.

J U D G E