

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. S-387 of 2026

Before;
Mr. Justice Ali Haider 'Ada'.

Applicant : Moural son of Manzoor Sunani
Buledi, through Mr. Nooruddin
Mahessar, Advocate.

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

Date of Hearing : 21.09.2026
Date of Order : 21.09.2026.

ORDER

Ali Haider 'Ada' J.- Through this bail application, the applicant seeks post-arrest bail in FIR No.24/2022, registered at P.S. Meranpur, for offences punishable under Sections 302, 324, 504, 148 and 149, P.P.C. Prior to this, the applicant's bail application was dismissed by the learned I-Additional Sessions Judge, Jacobabad.

2. The crux of the prosecution case is that the present applicant, along with co-accused Allah Rakhio, Bhathial and Abdul Haq, allegedly caused firearm injuries to the complainant's relative, Muhammad Chuttal, who sustained injuries. So far as deceased Muhammad Saleem is concerned, his death is attributed to the act of another co-accused.

3. Learned counsel for the applicant mainly contends that although the applicant's bail application was dismissed by the learned trial Court vide order dated 03.06.2026, the same Court, however, already granted post-arrest bail to

co-accused Allah Rakhio, who has an identical role of causing firearm injury to injured Muhammad Chuttal. He submits that, despite the similar role, the applicant was denied bail, which is contrary to the rule of consistency.

4. On the other hand, learned DPG submits that the applicant actively participated in the commission of the offence and, therefore, is not entitled to the concession of bail. The complainant was duly served, but remained absent without any intimation.

5. Heard and perused.

6. The present applicant is not attributed the fatal act resulting in the death of Muhammad Saleem. Rather, his alleged role is confined to causing firearm injury to Muhammad Chuttal along with co-accused Allah Rakhio and Abdul Haq and Bhathial. The role attributed to the applicant, therefore, requires further probe within the meaning of Section 497(2), Cr.P.C.

7. It further transpires from the record that co-accused Allah Rakhio, who was attributed a similar and identical role, has already been granted post-arrest bail by the learned trial Court. The case of the present applicant, being at par with the said co-accused, attracts the rule of consistency. It is well settled that each accused is responsible for his own act and, where the case of one accused is at par with that of a co-accused who has already been granted bail, the same principle is required to be applied. Reliance in this regard is placed upon **Naeem Sajid v. The State (2025 SCMR 129)**.

8. So far as the alleged abscondence of the applicant is concerned, mere abscondence, by itself, does not disentitle an accused from the concession of bail. The same is a circumstance to be considered along with the other material

available on record and cannot, by itself, override the rule of consistency where the accused otherwise stands on the same footing as a co-accused already admitted to bail. Reliance is placed upon **Mitho Patifi v. The State (2009 SCMR 299)**.

9. Keeping in view the foregoing facts and circumstances, the applicant has made out a case for grant of post-arrest bail. Accordingly, the bail application is allowed. The applicant shall be released on bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with P.R. bond in the like amount to the satisfaction of the learned Trial Court. Needless to observe that the above observations are tentative in nature and shall not prejudice the case of either party at the trial.

J U D G E