

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1023 of 2024

**DATE**

**ORDER WITH SIGNATURE OF JUDGE**

**03.10.2024**

Mr. Ayaz Khaskheli, Advocate for applicant.

Mr. Shewak Rathore, Deputy Prosecutor General Sindh for the State along-with SIP Ali Bakhsh Khosa PS Mashaikh Hoti District Tando Allahyar.

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**ZULFIQAR ALI SANGI, J.-** Through instant Criminal Bail Application applicant Muhammad Aijaz @ Ali seeks post-arrest bail in Crime No.26 of 2023 registered at P.S. Mashaikh Hoti, District Tando Allahyar under sections 324, 353, 147, 148, 149 and 379 PPC.

2. The facts of FIR briefly stated that allegedly encounter in between applicant along-with his other accomplices and police party took place at place of occurrence, as such, present case has been registered.

3. The bail application has been sought only on the ground that co-accused Zubair Abbas Shaikh and Muhammad Aamir whose bail was also declined by the Trial Court vide order dated 29.05.2023 along-with present applicant has already been granted bail by this Court vide order dated 07.09.2023 and even another co-accused Arsalan has been enlarged on bail by this Court vide order dated 07.08.2023, hence the role against the present applicant is same, therefore, rule of consistency is applied in his case too.

4. Learned DPG after going through the orders of this Court has conceded for grant of bail.

5. I have heard learned counsel for applicant, learned DPG and perused the material available on record.

6. Perusal of record it reflects that role against the present applicant is identical to that of co-accused who have been granted post-arrest bail by this Court vide orders dated 07.08.2023 & 07.09.2023, therefore, rule of consistency is applicable in case of present applicant. Even otherwise, though the investigation has been completed but the trial has yet not been concluded since long. Under these circumstances, the case requires further inquiry, result thereof, this bail application is allowed and the applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and PR bond in the like amount to the satisfaction of Trial Court.

7. The observations made hereinabove are tentative and would not influence learned Trial Court at the time of deciding the case as the same are only for deciding this bail application.

JUDGE