

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1210 of 2025

Applicant : Sunny son of Sadiq,
Through Tariq Hussain, advocate

Respondent : The State
Through Ms Rahat Ahsan,
Additional Prosecutor General, Sindh.

Date of hearing : **21.05.2025.**

Date of order : **21.05.2025.**

ORDER

KHALID HUSSAIN SHAHANI, J – The applicant Sunny seeks post arrest bail in a case bearing crime No. 1012 of 2024 offence under Sections 302, 324, 201, 202, 203, 114 and 34 PPC of PS Gulistan-e-Johar, Karachi. The applicant's bail plea was declined by the learned Additional Sessions Judge-I Karachi East, vide order dated 12.03.2025.

2. The pertinent facts are that on 14.12.2024, the complainant, while at his workplace, received a distress call around 10:30 p.m. from his daughter, reporting that another daughter, Dua, and grand-daughter, Anusha, had been attacked. The complainant rushed to Modern Hospital and later to Jinnah Hospital, where he was informed that Dua had died due to her injuries, and Anusha was critically injured from a gunshot wound. The complainant's wife later narrated that Anusha was in a different room when she heard the gunshots and upon investigation found both Dua and Anusha lying in pool of blood. Following medical confirmation of Dua's death, an FIR was registered against unknown individuals for her murder and the attempted murder of Anusha.

3. Heard learned counsel for the applicant and DPG for the state. The latter has conceded the arguments advanced by the learned counsel that the case of applicant is on same footings then that of co-accused Taha Ahmed, already on bail granted by this Court vide order dated 10.04.2025.

4. Since, co-accused Taha Ahmed on same sort of allegations is already on post-arrest bail granted by this Court, therefore, applicant also deserves the same concession on the rule of consistency. Reliance can be placed on case titled as Pir Bakhsh v. The State and others [2010 MLD 220], wherein it is held as under:-

“6. Rule of consistency is always taken into consideration by the Courts since long because a person cannot be denied for the grant of bail whose case is at par of an accused who had already been released on bail. The Courts have to give equal treatment to the accused persons having one and the same role in the same case. Reliance upon the cases of Muhammad Fazal alias Bodi v. The State (1979 SCMR 9), Khadim Hussain v. The State (1983 SCMR 124), Manzoor Ahmad and others v. The State (PLJ 1999 Cr.C. (Lahore) 570) and Muhammad Daud and another v. The State and another (2008 SCMR 173). As the case of the petitioner is at par with that of his co-accused Zulifqar and Ghulam Rasool who had already been allowed bail by the learned Additional Sessions Judge, therefore, following the rule of consistency, the petitioner is also entitled to the bail.”

5. Given above, prima facie applicant has succeeded to make out case for further inquiry as envisaged under Section 497(2) Cr.P.C. on the basis of rule of consistency. Accordingly, he is admitted to bail upon furnishing a solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and a P.R. bond in the same amount to the satisfaction of the learned trial Court.

J U D G E

Manthar Brohi