

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-1269 of 2025

Applicants : 1) Allah Ditta s/o Ghulam Ali Lashari
2) Asad Ullah s/o Ghulam Rasool (shown in FIR
son of Muhammad Ashraf Lashari)
Through Mr. Muhammad Hanif Lashari, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 26.01.2026
Dated of order : 26.01.2026

ORDER

KHALID HUSSAIN SHAHANI, J. — The applicants, Allah Ditta and Asadullah, seek confirmation of the ad-interim pre-arrest bail granted to them by this Court vide order dated 30.12.2025 in a case baring Crime No.251/2025, registered under Sections 353, 224, 225, 395, 511, and 427 PPC at Police Station Mirwah, District Khairpur.

2. Briefly stated, the FIR was lodged by Head Constable Qadir Bux Talpur, alleging that on 06.09.2025, while he and his subordinates were out to apprehend an absconder, they received a tip regarding accused Rashid Ali, wanted in Crime No.71/2025. Upon reaching the specified location, the absconder was apprehended. It is alleged that meanwhile, the applicants along with others, armed with pistols, hatchets, and lathis, appeared at the scene, rescued the apprehended accused, and attacked the police party. They allegedly attempted to snatch official weapons, inflicted minor injuries, and damaged the police vehicle before fleeing. Consequently, the FIR was registered on behalf of the State on inter alia above facts.

3. The applicants initially approached the Court of the learned Additional Sessions Judge, Mirwah, for pre-arrest bail, which was declined vide order dated 25.11.2025. Aggrieved, they have approached this Court for the same relief.

4. Learned counsel for the applicants contends that the applicants are innocent and have been falsely implicated by the complainant police officials. He submits that all prosecution witnesses are subordinates of the complainant and thus interested witnesses. It is urged that the case does not fall within the prohibitory clause of Section 497 Cr.P.C. Further, co-accused Rashid Ali and Himath Ali have already been granted post-arrest bail by this Court, hence, on the principle of consistency, the applicants are also entitled to similar concession. Learned counsel adds that no useful purpose would be served by declining bail at this stage, as the applicants would, in due course, seek post-arrest bail on identical grounds, relying on the precedent reported as *Muhammad Ramzan v. Zafarullah* (1986 SCMR 1680).

5. Learned Deputy Prosecutor General, Sindh, has supported the arguments advanced by learned counsel for the applicants.

6. I have carefully considered the submissions of both sides and examined the record as well as the impugned order of the trial court.

7. It is well established that at the bail stage, a detailed evaluation of evidence is neither warranted nor desirable. The Court is to make a tentative assessment of the available material. The Hon'ble Supreme Court, in *Jamaluddin v. The State* (2023 SCMR 1243), reaffirmed that where the available material creates a reasonable doubt regarding the guilt of the accused, such doubt brings the case within the ambit of "further inquiry" under Section 497(2) Cr.P.C, entitling the accused to bail.

8. In the present case, the prosecution's version appears to be open to doubt, particularly when co-accused Rashid Ali and Himath Ali have already been granted post-arrest bail by this Court on 15.12.2025. The principle of consistency, coupled with the absence of strong corroborative material against the applicants, warrants the same relief. Custodial

interrogation at this stage would serve no purpose and, in any event, cannot be allowed to operate as a form of punishment when the commission of the offence itself remains doubtful.

9. In view of the foregoing, and for reasons discussed above, I am of the tentative opinion that the applicants have made out a case for confirmation of pre-arrest bail, as the matter clearly requires further inquiry as contemplated under Section 497(2) Cr.P.C.

10. Consequently, this bail application is allowed, and the ad-interim pre-arrest bail granted to the applicants vide order dated 30.12.2025 is hereby confirmed on the same terms and conditions.

11. It is clarified that the observations made herein are purely tentative and shall not prejudice the trial court while deciding the case on the basis of evidence produced at trial.

J U D G E