

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.2307 of 2025**

Applicant : Muhammad Majid, Through  
Mr. Altaf Hussain, advocate

The State : The State through Mr. Sharaf-ud-Din  
Kanhar, A.P.G., Sindh Ms. Najma  
Latif Golo, Assistant Prosecutor  
General, Sindh and IO/SI-Moin  
Khan of Police Station Shahrah-e-  
Faisal, Karachi

Date of hearing : 20.05.2026

Date of Order : 20.05.2026

### ORDER

**Jan Ali Junejo, J:--** Through this Criminal Bail Application filed under Section 497, Cr.P.C., the applicant Muhammad Majid seeks his release on bail in case FIR No.457 of 2024, registered under Sections 394, 397 and 34 PPC at Police Station Shahrah-e-Faisal, Karachi. Earlier, his bail application bearing No.2562 of 2024 was dismissed by the learned VIth Additional Sessions Judge, Karachi East, vide order dated 21.02.2025.

2. Briefly stated, the prosecution case as reflected in the FIR is that on 01.05.2024, the complainant's son Syed Najaf along with his friends was having breakfast at Quetta Aga Hotel near Munir Bridge, Gulistan-e-Johar, Karachi, when two unknown persons riding a motorcycle arrived there. It is alleged that the culprits, while armed with weapons, robbed mobile phones from the complainant's son and his companions. During the occurrence, firing was allegedly made by one of the assailants, resulting in firearm injury to Syed

Najaf. Consequently, FIR No.457 of 2024 was registered under Sections 394, 397 and 34 PPC against unknown persons.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated in the present case. He argued that the FIR was lodged against unknown persons and no reliable material is available connecting the applicant with the alleged occurrence. He further submitted that the investigation has already been completed and challan has been submitted before the trial Court. Learned counsel emphasized that co-accused Talib Hussain, nominated in the same crime, has already been granted bail by the trial Court vide order dated 30.12.2024 on the basis of evidence recorded during trial and, therefore, the case of the present applicant is governed by the rule of consistency. He further submitted that the applicant has remained behind bars for a considerable period and his continued detention would serve no useful purpose. He accordingly prayed for grant of bail.

4. Conversely, learned Assistant Prosecutor General opposed the bail application and argued that the applicant has been specifically nominated during investigation and sufficient material exists connecting him with the commission of the offence. It was contended that the offence alleged against the applicant is serious in nature involving armed robbery and firearm injury to the victim. Learned A.P.G. submitted that the applicant was assigned a specific role and, therefore, does not deserve the concession of bail. He prayed for dismissal of the application.

5. I have heard learned counsel for the parties and have examined the material available on record with their able assistance. Admittedly, the FIR was registered against unknown culprits. It is also not disputed that co-accused Talib Hussain, who was alleged to have participated in the same occurrence, has already been admitted to bail by the learned trial Court. The order granting bail to the co-accused has attained finality and has not been shown to have been recalled or set aside by any superior forum.

6. The record further reflects that after completion of investigation, challan has already been submitted before the competent Court and the trial is in progress. Therefore, the applicant is no longer required for the purpose of investigation. The question of guilt or innocence of the applicant is yet to be determined after recording of evidence and remains subject to proof at trial.

7. It is also a settled principle of criminal jurisprudence that similarly placed accused persons should ordinarily receive similar treatment unless distinguishing circumstances are available on record. The prosecution has failed to point out any exceptional circumstance warranting a departure from the rule of consistency, particularly when one of the co-accused involved in the same occurrence has already been admitted to bail. In similar circumstances, in the case of *Abdul Mateen Mehboob v. The State (2026 SCMR 135)*, the Honourable Supreme Court of Pakistan held as follows:

*“Whereas, the rule of consistency or doctrine of parity in bail matters encapsulates that where the incriminated and ascribed role to the accused is the same as that of the co-accused, then the benefit extended to one accused should also be extended to the co-accused according to the principle like cases should be treated alike after accurate evaluation and assessment of the co-offender s role in the commission of the alleged offence”.*

8. At the bail stage, a deeper appreciation of evidence is neither desirable nor permissible. The material presently available requires tentative assessment only. The applicant has remained in custody for a considerable period and the trial is not likely to conclude in the immediate future. Continued incarceration of the applicant before conclusion of trial would not advance the cause of justice, particularly when the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

9. For the foregoing reasons, this Criminal Bail Application is allowed. The applicant Muhammad Majid son of Ghulam Yaseen is admitted to bail in FIR No.457 of 2024, under Sections 394, 397 and 34 PPC, Police Station Shahrah-e-Faisal, Karachi, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court. It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the final outcome of the trial. These are the detailed reasons of the Short Order dated: 20-05-2026.

**JUDGE**