

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.189 of 2026

Applicant : Musawar Ali Siyal, through Mr. Nishan Ali Haider, Advocate.

Respondent : The State, through Mr. Muhammad Noonari, D.P.G. Sindh.

Date of hearing : 18.05.2026.

Date of order : 18.05.2026.

ORDER

TASNEEM SULTANA, J.— Through this criminal bail application, the applicant Musawar Ali Siyal seeks post-arrest bail in FIR No.1081 of 2025, registered under Sections 380, 448, 342, 452, 147, 148, 149, 504, 337-A(i) and 337-H(ii), P.P.C. at Police Station SITE Superhighway Industrial Area, Karachi. Earlier, his bail application bearing No.4670 of 2025 was dismissed by the learned Additional Sessions Judge-III, Malir, Karachi, vide order dated 08.10.2025; hence, the instant application for the same concession.

2. Brief facts of the prosecution case, are that on 27.08.2025, about 20 to 25 armed persons, accompanied by five or six women and co-accused Hafeez Chandio and Wasiullah, allegedly entered the complainant's house, assaulted her and her family members, dispossessed them from the premises and removed cash, gold ornaments, mobile phones and household articles. It was further alleged that the accused persons subsequently threatened and assaulted the complainant and her family and removed further belongings from the house. Consequently, the instant FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is neither nominated in the FIR nor assigned any specific role; that the matter arises out of a civil dispute; that the FIR was lodged after an unexplained delay of 20 days; that co-accused Hafeez, Wasiullah and Abdul Rashid have already been granted bail by this Court; and that the case against the applicant calls for further inquiry. He prayed for grant of post-arrest bail.

4. Conversely, learned D.P.G. Sindh submitted that the nominated co-accused have already been granted bail and that, as the applicant is neither nominated in the FIR nor assigned any specific role, his case stands on better footing. He, therefore, did not oppose the grant of bail.

5. Heard. Record perused.

6. It appears from the record that the applicant is neither nominated in the FIR nor assigned any specific role in the alleged occurrence. The FIR was lodged on 16.09.2025, about 20 days after the alleged occurrence, and even after obtaining an order from the learned Ex-Officio Justice of Peace on 01.09.2025, a further delay of about 15 days remained unexplained. The effect of such delay, particularly regarding the subsequent implication of the applicant, requires further inquiry within the meaning of section 497(2) Cr.P.C.

7. The record further reflects that co-accused Hafeez, Wasiullah and Abdul Rashid have already been admitted to bail by this Court vide order dated 17.12.2025. The present applicant, being neither nominated in the FIR nor assigned any specific role, stands on a better footing than that of the co-accused. The rule of consistency, therefore, also supports the grant of bail to him. Under analogous circumstances, the Honourable Supreme Court of Pakistan extended the concession of bail to the accused, invoking the principle of rule of consistency considering the doctrine of parity, as enunciated in the case of *Mst. Ishrat Bibi v. The State through Prosecutor General Punjab and another* (2024 SCMR 1528). It is observed by the Apex Court that:

“The rule of consistency, or in other words, the doctrine of parity in criminal cases, including bail matters, recapitulates that where the incriminated and ascribed role to the accused is one and the same as that of the co-accused then the benefit extended to one accused should be extended to the co-accused also, on the principle that like cases should be treated alike, but after accurate evaluation and assessment of the co-offenders’ role in the commission of the alleged offence. While applying the doctrine of parity in bail matters, the Court is obligated to concentrate on the constituents of the role assigned to the accused and then decide whether a case for the grant of bail on the standard of parity or rule of consistency is made out or not.”

8. In view of the above facts and circumstances, the applicant has succeeded in making out a case of further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, the instant bail application was allowed and the applicant was admitted to post-arrest bail, 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, vide short order dated 18.05.2026. These are the reasons for the said short order.

9. The observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

JUDGE

