

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-909 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: 1.Zahid Hussain s/o Muhammad Arab Magsi
2.Barkat Ali s/o Muhammad Shareef Ghoto
3.Ajab Gul s/o Hazoor Bux Ghoto
4.FayazAhmed s/o Abdul Khalique Ghoto.

**Through Mr.Wazeer Ahmed Mashori,
Advocate.**

The State: **Through Mr. Mansoor Ahmed Shaikh, D.PG.**

Date of hearing & order: 05.10.2026.

Suresh Kumar J:- Through instant Criminal Bail Application applicants/accused above-named seek their pre arrest bail in Crime No.274 /2026 for the Offences Punishable U/Ss 225, 212, 147, 149 PPC registered at Police station A-Section Ghotki.

2. The facts of the prosecution, as depicted in the FIR, are that on 28.07.2026, the complainant, HC Muhammad Saleem, registered the FIR at the aforementioned police station, stating that on 23.07.2026, in crime No. 251/2026 under Sections 376(b), 34, and 337A(i) read with 511 of the Pakistan Penal Code, the learned Additional Sessions Judge 2nd Ghotki dismissed the bail application of the accused, Maqsood and Bilal @ Bilawal. Thereafter, the applicants/accused, along with co-accused and 20 unknown culprits, rescued and assisted the accused Maqsood and Bilawal in escaping and also provided them with shelter, as evidenced by the CCTV footage that surfaced on social media. Subsequently, the complainant, upon verifying the incident, lodged the FIR against the accused as stated above.

3. The applicants/accused initially approached before the Court of Sessions Judge, Ghotki, for grant of pre-arrest bail which was dismissed vide order dated 08.08.2026, by learned 2nd. Addl. Sessions Judge, Ghotki.

Being aggrieved by this dismissal order, the applicants/accused have approached this Court.

4. I have heard learned counsel for applicants/accused, and learned D.P.G Sindh. Learned D.P.G has strongly opposed the confirmation interim pre arrest bail to the applicants/accused.

5. Having given due consideration to the arguments advanced by the parties' counsel and having perused the material available on record, it is revealed from the examination of the FIR that the alleged incident took place on 23.07.2026 at 1200 hours, and the FIR was lodged on 28.07.2026, resulting in a delay of 5 days, which has not been plausibly explained by the complainant. All the sections applied in the FIR are bailable. It is well-settled law that bail in a bailable offence is a matter of right. In this regard reliance is placed upon the case of *Tarique Bashir and 5 others v. The State* (**1995 SC 34**). The applicants have joined the investigation, they have been appearing before this Court after grant of interim pre-arrest bail and they have not misused the concession of ad interim pre arrested. The applicants/accused have also filed their affidavits showing mala fide on the part of complainant.

6. For the foregoing reasons and the guidance taken from the above case law, I am of the considered view that the applicants/accused have made out a case for the confirmation of interim pre-arrest bail. Therefore, the interim pre-arrest bail granted to the applicants/accused on 15.09.2026 is confirmed on same terms and conditions, with a directions to appear before the IO/ trial court, as and when called.

J U D G E