IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3533 of 2026

Applicant	:	Saddam Hussain son of Habib Malik Through Mr. Abdur Rehman Khakhrani
Respondent	:	The State *Through* Mr. Qamaruddin Nohri, A.P.G.
Date of hearing	:	16.11.2026
Date of Order	:	16.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. – Applicant Saddam Hussain seeks post-arrest bail in Crime No.36/2026, registered at Police Station Sahil, Karachi South, under Sections 397/34 PPC, following dismissal of his earlier application by the learned IXth Additional Sessions Judge, Karachi South, vide order dated 06.03.2026.

2. Briefly, the prosecution alleges that on 31.01.2020, at about 0125 hours, the complainant, while returning from Do Darya on his motorcycle, was intercepted near E-8 Chowk, Abdul Sattar Edhi Avenue, Karachi, by four armed persons riding two motorcycles, who deprived him of his mobile phone, wallet, CNIC and cash. A police patrol, arriving shortly thereafter, allegedly apprehended the accused, including the present applicant, at the spot.

3. Heard learned counsel and examined the record. Learned counsel principally invokes the rule of consistency, contending that a similarly placed co-accused has already been admitted to bail following an affidavit of no-objection furnished by the complainant. Learned A.P.G., while initially distinguishing the applicant's role from that of the bailed-out co-accused, ultimately conceded that the recovery memo does not attribute any recovery to the present applicant and recorded no objection to the grant of bail.

4. The record, tentatively assessed, reveals that no incriminating recovery was effected from the applicant, whereas the co-accused, allegedly involved in the same occurrence, has already secured bail following the complainant's affidavit of no-objection. The prosecution has not demonstrated any material distinction sufficient to justify disparate

treatment. The rule of consistency, being founded upon equality before the law, demands that similarly situated accused be treated alike unless a legally sustainable distinction exists. The applicant's continued incarceration, in these circumstances, would therefore be unwarranted. The case accordingly calls for the exercise of discretion in his favour.

5. Consequently, this application is allowed. Applicant Saddam Hussain is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.100,000/- and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

6. The foregoing observations are purely tentative and shall not prejudice the trial Court's independent appraisal of evidence or determination of the case on merits.

J U D G E

Shahbaz