THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-786 of 2026

Applicant	:	Sohail s/o Nabi Bux Bhatti Through Syed Asghar Ali Shah, Advocate.
Complainant	:	Mst. Farhana Siyal Through Mr. Manzoor Hussain Mahesar, Advocate.
Respondent	:	The State through Mr. Muhammad Raza Katohar, Deputy Prosecutor General.
Date of Hearing	:	**16-11-2026**
Date of Order	:	**16-11-2026**

O R D E R

TASNEEM SULTANA, J.- Through this Criminal Bail Application, the applicant, Sohail Bhatti, seeks post-arrest bail in Crime No.142 of 2025, registered at Police Station Sorah, District Khairpur, under Sections 364 and 34, P.P.C. His earlier application for pre-arrest bail was dismissed by the learned Additional Sessions Judge-IV, Khairpur, vide order dated 11.02.2026. Hence, the present application.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced in detail.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in this case owing to enmity; that the matrimonial dispute between the parties is admitted; that the FIR has been lodged after an unexplained delay of nine days; that co-accused Shahid Siyal and Mushtaque Ali Siyal, who have been assigned a similar role, have already been admitted to pre-arrest bail by this Court vide order dated 16.06.2026 and, therefore, the applicant is entitled to the same treatment on the principle of consistency; that the case has been challaned and the applicant is no longer required for investigation; and that his continued detention would serve no useful purpose. He, therefore, prays for grant of post-arrest bail.

4. Learned Deputy Prosecutor General concedes to the grant of bail to the applicant on the principle of consistency, submitting that co-accused Shahid

Siyal and Mushtaque Ali Siyal, who have been assigned a similar role, have already been admitted to pre-arrest bail by this Court.

5. Learned counsel for the complainant, however, opposes the application on the ground that the applicant is specifically nominated in the FIR with the allegation of being armed with a pistol and participating in the abduction of the complainant's minor son along with the co-accused; that the alleged abductee has supported the prosecution case in his statement recorded under Section 164, Cr.P.C.; and that the offence falls within the prohibitory clause of Section 497(1), Cr.P.C. He, therefore, submits that the applicant is not entitled to the concession of bail.

6. Heard. Record perused.

7. It appears from the record that co-accused Mushtaque Ali Siyal was attributed a role similar to that of the present applicant and was granted pre-arrest bail by this Court vide order dated 16.06.2026 in Criminal Bail Applications Nos.S-172 and S-181 of 2026. Learned counsel for the complainant has not pointed out any material distinguishing circumstance warranting different treatment of the applicant. The FIR was lodged after a delay of nine days, and the record also reveals previous litigation arising out of a matrimonial dispute between the parties. The case has already been challaned and the applicant is no longer required for investigation. The applicant is, therefore, entitled to the concession of post-arrest bail on the principle of consistency.

8. In view of the above facts and circumstances, the applicant has succeeded in making out a case for grant of post-arrest bail. Consequently, he is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

J U D G E

Ahmad