

Criminal Bail Application No. 851 of 2025

For hearing of bail application.

Mr. Muhammad Naeem Memon, advocate for the applicants a/w applicants (on interim bail)
Mr. Asif Ali Bhutto, advocate for complainant.
Ms. Rahat Ehsan, Addl. P.G Sindh a/w ASI Farrukh Javed of PS Gulshan-e-Maymar Karachi.

KHALID HUSSAIN SHAHANI, J. – Through the instant application, the applicants Farooq Ahmed, Mukhtiyar Ahmed and Mansoor Ali abbasi seek pre-arrest bail in Crime No. 85/2025, offence under Sections 342, 382, and 34 PPC of Police Station Gulshan-e-Maymar, Karachi.

It is noted that on same sort of allegations, co-accused Shahid Mehmood and Aslam are on post arrest bail granted by the learned Judicial Magistrate-VI Karachi West and co-accused Benazir Abbasi, and Dr. Faryal have been in lodged by pre-arrest bail by the Court of learned Additional Sessions Judge-XI Karachi West vide orders dated 04.03.2025 and 21.03.2025, respectively. In criminal jurisprudence, the principle of *rule of consistency* is well entrenched, whereby an accused similarly placed to a co-accused who has already been granted bail is entitled to the same relief. Reliance in this regard is placed upon the judgment of the Hon'ble Supreme Court in *Muhammad Ramzan v. The State* (1986 SCMR 1380), wherein the following observation was made:

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on the ground that similarly placed other accused are already on bail. We, therefore, in the circumstances of this case, do not consider it a fit case for grant of leave to appeal. This petition accordingly, is dismissed.”

In the present case, the applicant is alleged to have played a role identical to that of the aforementioned co-accused who have already been admitted to bail, and no distinguishing features have been pointed out by the prosecution. Thus, following the principle of consistency, the applicant is also entitled to the same concession.

In view of the foregoing, a prima facie case for confirmation of pre-arrest bail is made out within the purview of Section 497(2) Cr.P.C. Accordingly, this bail application is allowed. The interim pre-arrest bail earlier granted to the applicant on 27.03.2025 is hereby confirmed on the same terms and conditions. The applicant is directed to join the investigation and continue to appear before the trial court as and when required.

J U D G E