

## IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-656 of 2025

Applicant : Raja @ Amjad Ali son of Shafique, Doongah  
Through M/s Mushtaq Ali Tagar and Illahi Bux  
Jamali, Advocates

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 13.10.2025  
Date of order : 13.10.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.**— The applicant Raja @ Amjad Ali Doongah approaches this Court for pre-arrest bail in Crime No.136/2025, for offences under Sections 382 and 458 PPC, registered at Police Station Moro, District Naushahro Feroze,. His earlier bail petition was declined by the learned Additional Sessions Judge Moro by order dated 08.07.2025.

2. According to the prosecution, the applicant Raja @ Amjad along with Yaseen, Zulfiqar @ Dhoni, Master, Khair Muhammad, unlawfully entered the complainant's house at night while armed, committing theft of gold ornaments, cash, and mobile phones. The complainant's confrontation with accused resulted in a demand for withdrawal of cases registered, which led to FIR registration.

3. Counsel for the applicant asserts false implication with malafide intent. He highlights an unexplained delay exceeding one day in the FIR registration, thereby casting serious doubt on the prosecution's case. The lack of a specific role attributed to the applicant and the absence of a proper description of stolen property weaken the prosecution claim. The FIR implicates all male members of one family collectively, and the witnesses are said to be hostile and interested, rendering the matter fit for further inquiry under Section 497(2) Cr.P.C. Additionally, co-accused Zulfiqar Doongah has already been granted post-arrest bail by the learned Judicial Magistrate-I,

Moro on similar allegations, entitling the applicant to relief on the doctrine of consistency.

4. The learned Deputy Prosecutor General contends that the applicant's explicit nomination in the FIR and the serious nature of offence fall within the prohibitory clause of Section 497(1) Cr.P.C, thus making bail inappropriate.

5. On consideration, the unexplained delay in FIR lodging *prima facie* raises suspicion of premeditated consultation and fabrication, a view reinforced by Supreme Court precedents including *Akhtar Ali v The State* (2008 SCMR 6), and *Ejaz Ahmed Chaudhry v. The State* (2025 SCMR 1596), which establish that such delays tarnish the FIR's authenticity and demand cautious scrutiny. This Court finds the reasons sufficient to infer mala fide implication.

6. The principle of consistency in bail matters mandates equal treatment for co-accused placed on an equal footing, as reiterated by the Supreme Court under Article 25 of the Constitution, which mandates equal protection and treatment before the law. The case law clarifies that the entire material record must be examined to ensure the accused seeking bail and those granted bail are similarly situated before applying this rule. Since the applicant and co-accused Zulfiqar face materially indistinguishable allegations, equality demands similar relief be accorded to the applicant. Reliance is placed on case of *Mudassar Khursheed v. The State* (2025 SCMR 1613).

7. Moreover, the prosecution's interest would not suffer prejudice by granting bail, especially when the challan has been submitted, and the applicant has cooperated fully with the investigation. Pre-arrest bail serves as a shield against malicious, baseless arrests intended to cause irreparable harm, a fundamental safeguard recognized by the Court. The Supreme Court ruling in *Muhammad Saleem and others v. The State* (PLD 1986 SC 1380) is

reverently followed, which underscores that bail availability in appropriate cases is necessary to protect liberties pending trial.

8. Hence, the Court holds that the applicant has met the threshold for bail confirmation, given the unexplained FIR delay, malafide implication concerns, principle of consistency, and absence of any detrimental conduct by the applicant since interim bail was granted.

9. Accordingly, the bail application is allowed; the interim pre-arrest bail dated 01.08.2025 is hereby confirmed on the same terms and conditions. The observations made are tentative and confined strictly to bail proceedings and shall not prejudice the trial.

**J U D G E**