

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No.S-1217 of 2025

[Tasleem Fariro vs.The State]

Applicant : Tasleem Fariro, *through*
Mr. Muhammad Yaseen Khaskheli,
Advocate.

The State : *through* Mr. Muhammad Raza
Katohar, Deputy Prosecutor General.

Complainant : Mst. Shabnam Khatoon, (*Nemo*).

Date of Hearing : 13.04.2026
Date of Order : 13.04.2026

ORDER

Ali Haider 'Ada' J.- The applicant is booked in FIR No. 160 of 2022 for offences punishable under Sections 365-B, 363, 148, and 149 PPC, lodged by Mst. Shabnam Khatoon at Police Station Ranipur on 11.12.2022. The allegation, as per FIR, is that on 06.12.2022, when the complainant, along with her family members, was returning after visiting at Dargah Ranipur, the accused persons allegedly abducted Mst. Sorath (daughter-in-law of the complainant) and Agha Bilawal (son of Mst. Sorath). In the said crime the applicant was arrested and subsequently approached the Court of learned Additional Sessions Judge-IV, Khairpur for the grant of bail; however, his application was dismissed vide order dated 26.11.2025.

2. Learned counsel for the applicant contends that there is an unexplained delay in registration of FIR; that similarly placed co-accused have already been granted bail; and that the investigation has already been completed and challan was submitted, therefore, his further detention serves no useful purpose. Reliance has been placed upon the case law reported as 2008 SCMR 299, 2020 SCMR 418, 2023 MLD 1072, 2024 MLD 1359, and 2022 MLD 1078.

3. Conversely, learned Deputy Prosecutor General opposed the bail application, submitting that the applicant remained absconder and was declared a proclaimed offender, and was arrested on 15.09.2025. It is argued that his bail application was rightly dismissed by the trial Court on merits as well as on the ground of absconsion.

4. The SHO of Police Station Ranipur submitted report regarding service upon the complainant, along with photographs showing that notice was duly received and acknowledged through thumb impression. Record reflects that notices were issued to the complainant on 02.02.2026 and 06.04.2026; however, despite proper service, she failed to appear before this Court. Therefore, the matter is being decided after hearing the learned counsel and perusal of record.

5. Heard, learned counsel for the parties and have gone through the material available on record.

6. Firstly, the record reflects that there is a delay of four days in registration of the FIR without any plausible explanation, which prima facie creates dent in the prosecution case. In this regard, reliance is placed upon the case of *Zulqarnain Haider alias Zain v. The State* (2025 SCMR 1457). Furthermore, the statement of the alleged abductee under Section 164 Cr.P.C. was recorded on 11.01.2023, whereas she had voluntarily appeared before the police on 09.01.2023. Thus, there is also an unexplained delay in recording her statement under Section 164 Cr.P.C., which further calls for careful consideration. In this respect, reliance is placed upon the case of *Mujtaba Hassan v. The State* (2021 YLR 2233).

7. It is also an admitted position that the co-accused, namely Fateh Ali and Abid, having similar roles, have already been granted bail by this Court as well as by the learned trial Court. The case of the present applicant, therefore, squarely falls within the rule of

consistency, which mandates that where the role attributed to an accused is identical to that of co-accused, the same treatment should be extended, unless distinguishing circumstances are available. In this regard, reliance is placed upon *Abdul Mateen Mehboob v. The State* (2026 SCMR 135), wherein the Hon'ble Supreme Court has reiterated that "like cases should be treated alike" after proper assessment of the role of co-accused, and that such cases fall within the ambit of further inquiry under Section 497 Cr.P.C.

8. So far as the ground of abscondence is concerned, the same appears to be the primary reason for earlier refusal of bail; however, it is now a settled principle of law that mere abscondence, by itself, is not sufficient to deny the concession of bail if the accused is otherwise entitled on merits. In this respect, reliance is placed upon *Mazhar Ali v. The State* (2025 SCMR 318).

9. Keeping in view the aforesaid circumstances, the instant bail application is allowed. The applicant, Tasleem son of Anwar Ali Fariro, is hereby admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) and a PR bond in the like amount to the satisfaction of the learned trial Court.

JUDGE