

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

Cr. Bail Application No.S-928 of 2023

| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
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Date of Hearing : 11.09.2023

Date of Order : 11.09.2023

Mr. Muhammad Ayoub Laghari, Advocate for Applicant.

Mr. Siraj Ahmed Bijarani, Assistant P.G.

ORDER

ARSHAD HUSSAIN KHAN, J.- By this order, I intend to dispose of the above captioned bail application whereby applicant Ahsan son of Muhammad Arab, who is present on ad-interim bail, seeks pre-arrest bail in Crime No.268 of 2023 registered at Police Station A-Section, Tando Allahyar for offence under Section 411 PPC.

2. The facts in brief as narrated in F.I.R are that on 08.08.2023, complainant ASI Muhammad Ramzan Pathan of CIA Center Tando Allahyar while patrolling with his subordinate staff in a government vehicle to catch culprits reached at Naseer Wah Morr where they received spy information that a corolla car Registration No.AMK-134 was coming towards Mirpurkhas. On such information, they proceeded the pointed place where said car was coming which was stopped and caught hold co-accused Sher Khan and Muhammad Khan while the present accused and co-accused Hameedullah Qazi, whose names were disclosed by the co-accused, fled away. On further search they found some theft batteries from the car. The police party inquired about documents of the car from the accused but they failed to show such documents; hence, they were arrested and present F.I.R was lodged.

3. At the very outset, learned Counsel for the applicant / accused submits that co-accused Sher Khan and Muhammad Khan have been granted post arrest bail vide order dated 29.08.2023 passed by

learned 2nd Additional Sessions Judge, Tando Allahyar in Criminal Bail Application No.1135 of 2023. He has filed copy of the said order under cover of his statement which is taken on record. He, therefore, submits that the case of the present applicant / accused is at par to that of the co-accused, who have been granted bail, hence, he is also entitled for bail on the rule of consistency.

4. Learned A.P.G, in view of rule of consistency, has extended no objection for grant of bail to the applicant. Accordingly, instant bail application is allowed and ad-interim pre-arrest bail already granted to the applicant / accused is hereby confirmed on the same terms and conditions as contained in the order dated 25.08.2023.

5. Needless to mention here that any observation made in this order is tentative in nature and shall not affect the determination of the facts at the trial or influence the trial Court in reaching its decision on the merits of the case. It is, however, made clear that in the event if, during proceedings, the applicant /accused misuses the bail, then the trial Court would be competent to cancel the bail of the applicant/accused without making any reference to this Court.

JUDGE

Shahid