

**ORDER SHEET**  
**THE HIGH COURT OF SINDH AT KARACHI**

**Crl. Bail Application No.2044 of 2024**

-----  
Date:                      Order with signature(s) of the Judge(s)  
-----

For hearing of bail application.

**3<sup>rd</sup> March 2025**

Mr. Sheeraz Hussain Shar, advocate for Applicant.  
Mr. Qamaruddin Nohri, Deputy Prosecutor General for  
State.

**Jan Ali Junejo, J.--** The present Criminal Bail Application has been filed on behalf of the Applicant/Accused, who is seeking post-arrest bail in connection with a case stemming from FIR No. 228 of 2024, registered at P.S. Steel Town, Karachi, under Sections 392/397/34, P.P.C. The Applicant/Accused initially approached the learned Sessions Court by filing Bail Application No. 2674 of 2024, which was subsequently dismissed by the Court of the learned VIIIth Additional Sessions Judge, Malir, Karachi, vide Order dated 12-06-2024.

2.     The facts relevant to the present criminal bail application are as follows:

*“On April 21, 2024, at 19:45 hours, at P.S. Steel Town, Karachi, Amir Ali reported that his rickshaw, a blue 2024 Sazgar (AFR, chassis SSGF-0100, engine Xi63mL23110175), driven by Ismail, was robbed. Ghulam Mustafa Tunio and Sher Muhammad Bugti hired Ismail to transport passengers. Near MDA Society, Dil Jan, Farooq Chandio, and an unknown person, duly armed, on a 125 motorcycle, robbed Ismail of the rickshaw, 2500 PKR, and a Vigo-Tel mobile. Amir Ali identified and apprehended Ghulam Mustafa Tunio and produced him to the police”.*

3. The learned counsel for the Applicant has argued that the rule of consistency applies, as co-accused Ghulam Mustafa Tunio has already been granted bail in the same case, and therefore, the applicant should receive similar treatment. He contends that the Complainant lodged the FIR with an unexplained delay of 21 days, despite having knowledge of the accused persons' names, casting doubt on the veracity of the complaint. He submits that no recovery of any robbed items was made from the present applicant, indicating a lack of direct involvement in the alleged crime. He asserts that there is no direct or indirect evidence on record linking the applicant to the commission of the offense, thereby undermining the prosecution's case. He points out that the prosecution's case rests solely on the complainant's statement which has serious doubts. Thus, it is prayed that this Court may be pleased to grant bail to the Applicant in the interest of justice.

4. The learned Deputy Prosecutor General has argued that the rule of consistency does not automatically mandate bail, as each case must be decided on its own merits, and the circumstances of the co-accused's bail may differ significantly. He contends that the 21-day delay in lodging the FIR, while notable, does not negate the core allegations, and that investigations may reveal valid reasons for the delay. He emphasizes that the absence of recovered robbed items from the applicant does not absolve him of involvement, as criminal conspiracies often involve roles where not all participants possess the stolen goods. He argues that the complainant's statement, when supported by other evidence gathered during the investigation, constitutes sufficient grounds for denying bail, and that the prosecution has the right to develop the case further. He submits that the nature of the crime, involving armed robbery and violence, poses a serious threat to public

safety, and releasing the applicant would undermine the administration of justice. Given these circumstances, the accused is not entitled to bail, as no exceptional grounds exist to warrant any leniency.

5. I have given due consideration to the arguments advanced by the learned counsel for the applicant/accused as well as the learned Deputy Prosecutor General. Furthermore, I have meticulously examined the material available on record with utmost care and judicial prudence. Upon meticulous examination of the record, it is manifest that the doctrine of consistency is a well-entrenched judicial principle, mandating that individuals similarly circumstanced must receive equal treatment before the law. In the instant case, it is evident that the role ascribed to the applicant is substantially identical to that of co-accused Ghulam Mustafa, who has already been extended the concession of bail by this Court vide Order dated 05-07-2024 in Criminal Bail Application No. 1386 of 2024. Consequently, in adherence to the principle of parity, the applicant is entitled to analogous relief. Under analogous circumstances, the Honourable Supreme Court of Pakistan extended the concession of bail to the accused, invoking the principle of *rule of consistency* in light of the *doctrine of parity*, as enunciated in the case of *Mst. Ishrat Bibi v. The State through Prosecutor General Punjab and another* (2024 SCMR 1528). It is observed by the Apex Court that: “*The rule of consistency, or in other words, the doctrine of parity in criminal cases, including bail matters, recapitulates that where the incriminated and ascribed role to the accused is one and the same as that of the co-accused then the benefit extended to one accused should be extended to the co-accused also, on the principle that like cases should be treated alike, but after accurate evaluation and assessment of the co-offenders’ role in the commission of the alleged offence. While applying the doctrine of parity in bail matters, the Court is obligated to concentrate on the*

*constituents of the role assigned to the accused and then decide whether a case for the grant of bail on the standard of parity or rule of consistency is made out or not”.*

6. Furthermore, the absence of any recovery of the alleged robbed articles or any other incriminating material from the possession of the applicant significantly diminishes the probative force of the prosecution's case against him. The unexplained delay of 21 days in the registration of the FIR, despite prior knowledge of the identities of the alleged culprits, raises grave concerns regarding the veracity and credibility of the complainant's allegations. Such an inordinate and unexplained delay casts serious doubt on the authenticity of the prosecution's narrative, suggesting that the FIR may not be a faithful representation of the actual events. Under comparable circumstances, the Honourable Supreme Court was pleased to grant bail to the accused on this ground, among other considerations, as established in the case of *Muhammad Essa v. The State and another* (2012 SCMR 646).

7. In these circumstances, I am of the considered opinion that the prosecution's material, as it presently stands, does not disclose reasonable grounds to believe that the applicant is guilty of the offence alleged against him. This case, therefore, falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. In light of the above discussion, I am persuaded to hold that the applicant has succeeded in making out a prima facie case for the grant of bail.

8. In view of the foregoing reasons, the present bail application filed on behalf of the applicant/accused is hereby allowed. Accordingly, the applicant is admitted to bail upon furnishing a solvent surety in the sum of Rs. 1,00,000/- along with a P.R. bond in the like amount to the satisfaction of the learned trial Court. It is further clarified that the observations

made herein are limited to the adjudication of this bail application and shall have no bearing on the merits of the case during trial proceedings.

**JUDGE**