

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Crl. B.A. No.1506 of 2019

EhsanullahVs.....The State

For hg. of bail application

25.11.2019

Mr. Ghulam Qadir Sasoli, Advocate for Applicant
 Mr. Ali Haider Saleem, DPG

Applicant, Ehsanullah is seeking post-arrest bail in FIR No.352/2019, U/s 365, 324, 337-A(i), 506-B, 504, 34 R/W Section 7 ATA, registered at Police Station Shahrah-e-Faisal, Karachi, mainly on the ground of rule of consistency as co-accused Ishtiaq Sarki in (Cr. B.A. No.1177/2019) and Mushtaq Ahmed and Manzoor Ali in (Cr. B.A.1151/2019) have already been granted by this Court vide order dated 17.09.2019.

Learned defence counsel submits that the case of present applicant is on better footing than those of co-accused, who have been granted bail and that applicant's name is not mentioned in the FIR, whereas, co-accused, who have been granted bail have specifically been nominated by the complainant; that there are allegations of beating to the complainant and taking away his father namely Ali Akbar, but he had subsequently appeared at Police Station on his own without being recovered from any of the accused.

On the other hand, learned DPG although has opposed grant of bail to the applicant but has not disputed that co-accused whose case is on similar footing than the case of present applicant have been granted bail by this Court.

Accordingly, in view of above when the nominated accused have been granted bail on merits by this Court and the name of the applicant is not mentioned in the FIR coupled with the fact that the complainant himself appeared at Police Station, we find the case of applicant to be of further enquiry, in addition to finding him entitled to the concession of bail on rule of consistency. Accordingly, this bail application is allowed. Applicant is granted post-arrest bail subject to furnishing a solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and P.R bond in the like amount to be executed to the satisfaction of the trial Court.

The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge

Judge

Rafiq/P.A.