

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

Present:  
Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Miran Muhammad Shah

**Cr. B.A. No.1196 of 2026**  
(Zain-ul-Abidin & others vs. The State)

**Date of hearing**  
**& order**      **21.05.2026**

Mr. Nasrullah Malik, advocate for applicant  
Mr. Ali Haider Salim, Addl: PG Sindh a/w complainant

**ORDER**

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**Muhammad Iqbal Kalhoro, J:-** Applicants are seeking pre arrest bail in Crime No.1012/2023, u/s 385, 386, 34 PPC r/w section 7 ATA of Police Station Shahrah-e-Faisal, District East. They are present on ad-interim pre arrest bail granted to them vide order dated 22.04.2026, and today matter is fixed for confirmation or otherwise.

2. Complainant in the FIR has alleged that he is owner of a House No.228, Zigri Goth, Block-11, Gulshan-e-Jauhar, District East, Karachi, which he had purchased in 2006. Applicant, along with co-accused Muhammad Omer, came to his house on 17.10.2023 and allegedly asked him to vacate the house either or to pay them extortion of Rs.5/10 lacs, otherwise, they would kill him. Complainant reported this incident on 07.11.2023, and hence, FIR was registered. One of the accused, namely, Muhammad Omer, was arrested but meanwhile he has been granted post-arrest bail by a Division Bench of this Court vide order dated 06.02.2025 in Cr. B.A. No.2565/2024.

3. Applicants' counsel has pleaded for bail on the grounds that applicants and the complainant are residents of the same village and retired from Navy; they are implicated on account of a dispute over the ownership of the said plot; co-accused has been granted bail, hence, rule of consistency is applicable.

4. On the other hand, learned Addl: PG Sindh and the complainant have opposed bail citing criminal history of the applicants, which include *prima facie* more than 10 cases registered against them under different provisions of law.

5. Be that as it may, since co-accused Muhammad Omer has been granted bail, therefore, we feel that rule of consistency is applicable as it will not serve any purpose to dismiss this bail application and grant them post-

arrest bail. Such mechanism is never approved by law as it amounts to mockery of justice. More so, there are allegations of only demanding “*bhatta*” from the complainant, and in fact, the money did not exchange hands. Besides, there is delay of twenty days in registration of FIR, which makes the case against the applicants to be one of further inquiry. In such backdrop, criminal history will not outweigh right of the applicants to pre-arrest bail. In view thereof, the bail application is allowed and ad-interim pre-arrest bail granted to the applicants vide order dated 22.04.2026 is hereby confirmed on same terms and conditions.

7. Needless to mention that the observations made herein above are tentative in nature and would not prejudice case of either party at trial. The bail application is disposed of in the above terms.

JUDGE

JUDGE

Rafiq/PA.