IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2800 of 2025

Applicant	:	Mohsin Sharif S/o. Rizwan Sharif Through Syed Samiullah Shah, advocate
Complainant	:	Najeebullah son of Moula Bux Through: Nemo
The State	:	Through Mr. Sharafuddin Kanhar, APG
Date of hearing	:	09.10.2026.
Date of order	:	09.10.2026.

O R D E R

***Jan Ali Junejo*, J.**— Applicant Mohsin Sharif son of Rizwan Sharif seeks pre-arrest bail in a case bearing Crime No. 723/2025 for offence under section 506-B/504/34 PPC registered at PS Malir City. He was admitted to interim pre-arrest bail by this court vide order dated 15.10.2025, now the matter is fixed for confirmation of interim bail or otherwise.

2. The brief facts of the prosecution case, as disclosed in the FIR, are that the complainant Najeebullah, who resides at the address mentioned in the FIR and is an advocate by profession stated that on 03.09.2025 at about 05:00 p.m., he was proceeding in his car to have biryani at Shandar Biryani on National Highway Road. Upon reaching Shandar Biryani near Malir 15, four accused persons riding two motorcycles intercepted his car, out of whom one was Ghufran son of Usman Shareef, accompanied by Mohsin son of Rizwan Shareef, while the other two were Danish son of Musa and his unidentified companion, who stopped their motorcycle behind his car. The complainant further stated that accused Danish approached him, pointed a firearm at him, and abused him. When the complainant asked the reason for such conduct, accused Danish allegedly stated that the complainant had sent them a legal notice and threatened him with murder if he did not stop doing so. Upon the gathering of a crowd at the spot, the accused persons fled on their motorcycles towards Shahrah-e-Faisal. The complainant thereafter approached the police to report the incident and requested legal action against the accused persons, hence, this FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case due to malafide intentions and ulterior motives. He submits that the alleged

incident occurred on 03.09.2025, whereas the FIR was lodged on 18.09.2025, after an unexplained delay of about 15 days, which casts serious doubt on the prosecution case. He further argues that no independent or private witness has been associated with the case and that the prosecution relies solely upon the complainant's interested and uncorroborated version, without any direct or indirect evidence connecting the applicant with the alleged offence. He further submits that co-accused Ghufran son of Usman Sharif has already been granted bail by the learned trial Court vide order dated 20.10.2025, and that the case of the present applicant is identical to that of the said co-accused; therefore, the applicant is also entitled to the concession of bail on the ground of consistency. He maintains that the case calls for further inquiry under Section 497(2), Cr.P.C., and that the alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C. He further submits that the applicant is presumed innocent until proven guilty, is neither a hardened nor a desperate criminal, and is not likely to abscond or misuse the concession of bail. He lastly contends that the applicant's arrest would cause irreparable harm to his reputation and that of his family; therefore, he prays that pre-arrest bail be granted to the applicant.

4. Conversely, learned APG vehemently opposed for confirmation of bail on the ground that sufficient material is available on record to connect with the applicant/accused with the commission of offence.

5. I have heard the learned counsel for the applicant as well as the learned Assistant Prosecutor General and have perused the material available on record with their able assistance.

6. Since, co-accused Ghurfan Sharif son of Usman Sharif on same sort of allegations is already on post-arrest bail granted by the learned trial court vide order dated 20.10.2025, copy of the same is taken on record, therefore, applicant also deserves same concession on the rule of consistency. Reliance can be placed on case titled as Pir Bakhsh v. The State and others [2010 MLD 220], wherein it is held,

> “6. Rule of consistency is always taken into consideration by the Courts since long because a person cannot be denied for the grant of bail whose case is at par of an accused who had already been released on bail. The Courts have to give equal treatment to the accused persons having one and the same role in the same case. Reliance upon the cases of Muhammad Fazal alias Bodi v. The State (1979 SCMR 9), Khadim Hussain v. The State (1983 SCMR 124), Manzoor Ahmad and others v. The State (PLJ 1999 Cr.C. (Lahore) 570) and Muhammad Daud and another v. The State and

> another (2008 SCMR 173). As the case of the petitioner is at par with that of his co-accused Zulifqar and Ghulam Rasool who had already been allowed bail by the learned Additional Sessions Judge, therefore, following the rule of consistency, the petitioner is also entitled to the bail."

7. Keeping in view the above facts, prima facie applicant has succeeded to make out case for further inquiry, as envisaged under Section 497(2) Cr.P.C. Consequently, the bail application is allowed and the interim pre-arrest bail granted by this Court to the applicant/accused vide order dated 15.10.2025 is hereby confirmed on the same terms and conditions. However, applicant/accused is directed to attend the trial.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

J U D G E