

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.407 of 2025

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Date:                      Order with signature(s) of the Judge(s)  
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1. For Orders on MA No.6715/2025.
2. For Orders on Office Objections.
3. For Orders on MA No.6716/2025.
4. For Hearing of Main Case.

16<sup>th</sup> May, 2025.

Mr. Afaq Ahmed advocate for the applicant.

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1.        Urgency granted.
2.        Overruled.
3.        Exemption application is granted subject to all just exceptions.
4.        From the perspective of the Court, it appears that through the present Criminal Miscellaneous Application, the applicant, Riyaz Ahmed, seeks the cancellation of bail earlier granted to the accused persons namely Muhammad Naseem Khan, Muhammad Aziz Khan, and Muhammad Khan. The primary contention raised by the applicant is that this Court had granted them pre-arrest bail vide order dated 13.02.2025. He further submits that the Investigating Officer had proposed the case to be disposed of under 'A' class, and subsequently, a report under Section 173 Cr.P.C. was submitted before the competent Magistrate.

It is the applicant's standpoint that the learned Magistrate, upon examining the record, did not concur with the police report and consequently took cognizance of the matter against the accused. On the basis of this development, the applicant seeks cancellation of the bail earlier extended to them.

However, when viewed from a legal perspective, such contention does not constitute a valid ground for cancellation of bail. The pre-arrest bail granted by this Court was extended on the merits of the case, and such relief

is inherently discretionary, typically allowed when the accused makes out a case for further inquiry. Under Section 497(5) Cr.P.C., cancellation of bail requires demonstration of specific and distinct grounds, such as misuse of concession, tampering with evidence, or fleeing from justice none of which have been substantiated or argued by the applicant's counsel in the present application.

In light of the foregoing, the Court finds the application to be without merit and accordingly dismisses it in *limine*.

JUDGE

M.Zeeshan