

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Cr. Misc. Application No. S- 392 of 2025

Date of hearing	Order with signature of Judge
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- 1. For orders on office objection-A.
- 2. For orders on MA No.5115 of 2025. E/A.
- 3. For hearing of main case

06.11.2025.

Mr. Sher Ali Chandio, Advocate a/w Applicant.
Mr. Nazeer Ahmed Bhangwar, Deputy Prosecutor General.

- 1. Deferred.
- 2. Exemption is granted subject to all just legal exceptions.
- 3. Learned counsel for the applicant submits that the applicant was granted pre-arrest bail vide order dated 22.04.2024, which was subsequently confirmed, and he has since been enjoying bail status. He further submits that due to personal engagements, the applicant/accused applied Section 540-A, Cr.P.C. before the trial Court, seeking dispensation of his personal attendance, as he intended to travel to the United States of America. The said application is still pending adjudication. However, on the date fixed for hearing, the learned trial Court, while disagreeing with the condonation application dated 13.09.2025, proceeded to issue Non-Bailable Warrants (NBWs) against the applicant and notice to his surety. It is argued that such a strict order has seriously prejudiced the applicant, although there was neither any mala fide intention nor deliberate attempt on his part to abscond. Learned counsel further contends that the applicant, after returning from the United States, intends to appear before the trial Court, but due to the issuance of NBWs, he now faces a genuine apprehension of arrest.

Learned Deputy Prosecutor General, who is present in Court in connection with other matters, waives notice of this application and submits that, prima facie, the applicant does not appear to have any intention of absconding. He has already been granted the concession of pre-arrest bail and seeks to surrender before the trial Court while maintaining the same status. It is further contended that the impugned order passed by the learned trial Court appears to be neither proper nor

justified, as the condonation application was pending adjudication and the order was passed without applying a judicious mind.

Heard the arguments and perused the record.

The record reflects that the applicant is already on pre-arrest bail in terms of the order dated 22.04.2024. There is no material available on record to suggest that the applicant intended to abscond or misuse the concession of bail. On the contrary, the applicant had applied to Section 540-A, Cr.P.C, for dispensation of his attendance before proceeding abroad, which demonstrates bona fide conduct. Despite this, the learned trial Court issued NBWs and notice to the surety without considering the pendency of such application or assessing the applicant's intent. Such directions run contrary to the settled principles of natural justice, as an order involving coercive measures must be passed only after due consideration of all relevant circumstances, including the bona fides of the accused.

In view of the above, the impugned order dated 13.09.2025 passed by the learned trial Court is hereby set aside. Consequently, the operation of the Non-Bailable Warrants issued against the applicant is suspended. The applicant/accused is directed to appear before the learned trial Court and join the proceedings on the same surety and on the same terms and conditions as earlier extended to him at the time of confirmation of his pre-arrest bail. Accordingly, this Criminal Miscellaneous Application stands disposed of in the above terms.

J U D G E

S.Ashfaq