

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Misc: Application No. S-62 of 2026

Criminal Misc: Application No. S-63 of 2026

Criminal Misc: Application No. S-64 of 2026

Criminal Misc: Application No. S-65 of 2026

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Date	Orders with signature of Judge
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1. For orders on office objection flag 'A'.
2. For orders of M.A No.1075/26 (E/A)
4. For hearing of main case.

**30-03-2026**

Mr. Wazir Ali Mahar, Advocate for applicants in all matters.

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Through these applications, the complainant/applicant, Muhammad Mithal, seeks cancellation of pre-arrest bail granted to accused/respondents namely Badal, Ghulam Muhammad and Imtiaz Ali Shaikh so also post arrest bail granted to respondent/accused Sayed Nawab Ali Shah, in Crime No.295 of 2025, registered at Police Station K.N. Shah, District Dadu, for offences punishable under Sections 302, 337-H(ii), 506(2), 504, 120-B, 147, 148 and 149, P.P.C., vide orders dated 10.01.2026 and 21.01.2026, respectively. Since all these applications arise out of the same crime and impugned orders, they are being disposed of through this common order.

Learned counsel for the applicant contends that the case of the complainant is fully supported by ocular as well as medical evidence; that the extraordinary relief of pre-arrest bail has been granted to the respondents without recording any finding of mala fide on the part of the complainant; and that the learned trial Court has not properly appreciated the material available on record. It is further contended that the respondents have misused the concession of bail by extending threats to the complainant.

I have heard learned counsel for the applicant and perused the available record. It is by now well settled that the considerations governing cancellation of bail are altogether distinct from those applicable

at the stage of grant of bail. Bail once granted cannot be cancelled in a mechanical manner unless it is demonstrated that the concession has been misused, or that the impugned order suffers from patent illegality, perversity, or has been passed in disregard of settled principles of law. In the present case, the allegations attributed to the respondents, as reflected from the F.I.R., are primarily of their presence at the place of occurrence with general role of instigation and abusing, whereas the specific act of causing fatal injury has been assigned to another co-accused Khalid. The learned trial Court, while granting post and pre-arrest bail, appears to have exercised its discretion after considering the nature of allegations and the material available on record. No patent illegality or perversity in the impugned orders has been pointed out which may justify interference by this Court. So far the contention regarding misuse of concession of bail on account of alleged threats is concerned, the same is not supported by any material placed on record. No complaint, application or report before any competent forum has been produced to substantiate such allegation. Bald and unsubstantiated assertions are not sufficient to recall a concession of bail already granted. The Hon'ble Supreme Court of Pakistan in *Muzaffar Iqbal v. Muhammad Imran Aziz* (2004 SCMR 231) and *Sharif Khan v. The State* (2021 SCMR 87) has held that bail once granted should not be cancelled unless there are strong and exceptional circumstances, such as misuse of concession or glaring illegality in the impugned order. The facts of the present case do not attract such exceptions.

In view of the foregoing, no case for cancellation of post or pre-arrest bail is made out. Consequently, all the above-mentioned applications, being devoid of merits, are hereby dismissed in *limine*, along with pending miscellaneous applications.

JUDGE