THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Crl. Misc: Application No.S-417 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE(S)

1. For orders on office objection (s)
2. For orders on exemption application
3. For hearing of main case

12.11.2026

Mr.Altaf Hussain Khokhar, D.P.G for the State

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None present on behalf of the applicant and no intimation has been received. The progress report received from the learned Incharge-Additional District & Sessions Judge-VIII, Hyderabad is taken on record. The record has been perused with the assistance of the learned D.P.G.

Through this application under section 497(5) Cr.P.C., the applicant/complainant seeks cancellation of the post-arrest bail granted to respondents No.1 and 2, Sheeraz and Umair, by the learned VIII-Additional Sessions Judge, Hyderabad, vide order dated 31.05.2024 passed in Criminal Bail Application No.1299 of 2024, in Crime No.36 of 2024 registered at Police Station Tando Yousuf, Hyderabad, under sections 337-A(iv), 337-F(i), 452, 504, 506 and 34 PPC.

The allegation, in brief, is that following a dispute over the closure of a street with bushes, the respondents, armed with iron rods and co-accused Ghulam Hussain, armed with a danda, entered the complainant's house on 01.05.2024 and beat his father, causing an injury on his nose.

The grounds on which bail is granted and those on which it is cancelled are distinct. Once bail has been allowed by a competent court, it is not recalled unless the order is shown to be perverse, arbitrary or in disregard of the record, or the accused has misused the concession by tampering with the evidence, threatening the witnesses, absconding or otherwise abusing his liberty. A fresh appraisal of the material, to see

whether bail ought to have been refused, is not the scope of section 497(5) Cr.P.C.

Neither ground is made out. The bail was allowed after hearing the complainant's counsel and the learned A.D.P.P., on the view that the admitted enmity between the parties over the street dispute, the delay in registration of the FIR (incident of 01.05.2024, reported on 18.05.2024) and the challan having been submitted, made the case one of further probe. Even if the contention that an offence in the prohibitory clause is involved is accepted, that is a view possible on the record and the possibility of a different view is no ground for cancellation. The earlier refusal of bail by the trial court does not by itself call for recall either. As to misuse, the allegation of threats is general, without any date, place or particulars and no complaint to the police or any other forum is shown; nothing has been brought on record to show that the respondents have tampered with the evidence or absconded. The remaining grounds go to the merits of the case, which are for the trial court.

The application, having no merit, is accordingly **dismissed**. The observations made above are tentative and shall not influence the trial court.

JUDGE

AHSAN K. ABRO