

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Criminal Misc: Application No. S-103 of 2026
(Mushtaque Ahmed v. Bashir Ahmed & another)

Date	Orders with signature of Judge
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1. For orders on office objection flag 'A'.
2. For hearing of main case.

Date of Order : 14-05-2026

Date of Reasons : 14-05-2026

Mr. Atta Hussain Qadri, Advocate for applicant.

Through this Criminal Miscellaneous Application, the applicant seeks cancellation of post-arrest bail granted to accused/respondent No.1 in Crime No.15 of 2026, registered at Police Station New Foujdari, for offences punishable under Sections 302 and 34, P.P.C., by the learned I-Additional Sessions Judge/MCTC, Shikarpur, vide order dated 18.03.2026.

Learned counsel for the applicant submitted that accused/respondent No.1 is nominated in the F.I.R and his presence at the place of incident at the relevant time, in company of the main accused, is apparent from the contents of the F.I.R. He further contended that the accused/respondent No.1 shared common intention in the commission of the offence and the prosecution case is fully supported by ocular as well as medical evidence. He further submitted that the accused/respondent No.1 has been issuing threats to the complainant and prosecution witnesses for withdrawal of the case.

I have heard learned counsel for the applicant and examined the material available on record. It is by now well settled that the considerations governing cancellation of bail are altogether different from those relevant to grant of bail. Bail once granted cannot ordinarily be recalled or cancelled unless it is shown that the concession has been misused or that the impugned order suffers from patent illegality, arbitrariness or perversity. No such circumstance, as contemplated under Section 497(5), Cr.P.C, has been

pointed out by the applicant in the present case. Moreover, the role attributed to respondent No.1/accused primarily relates to his alleged presence at the place of incident along with the main accused, whereas the question regarding sharing of common intention would require deeper appreciation of evidence at the trial. So far as the contention that respondent No.1/accused is issuing threats to the complainant party and prosecution witnesses is concerned, no material has been placed on record to substantiate such plea. Mere bald assertions, unsupported by any tangible material, are not sufficient to justify cancellation of bail already granted by a competent Court of law.

Tentatively, the impugned order passed by the learned trial Court appears to be well reasoned and based upon proper consideration of the material available on record. The same does not suffer from any illegality, arbitrariness or infirmity warranting interference by this Court.

For the foregoing reasons, this Criminal Miscellaneous Application, being devoid of merits, is dismissed.

These are the reasons for today's short order announced by this Court.

JUDGE