

**IN THE HIGH COURT OF SINDH  
CIRCUIT COURT, LARKANA**

Crl. Misc. A. No. S- 137 : Meer Hassan Jakhrani vs.  
of 2022. SHO P.S Muhammadpur Odho& others.

For the Applicant : Mr. Abdul Rehman A. Bhutto, Advocate.

For the State : Mr. Ali Anwar Kandhro, Addl. P.G.

Date of hearing : 04.07.2022.

Date of announcement : 04.07.2022.

**ORDER.**

**Adnan-ul-Karim Memon, J.** Through captioned criminal Miscellaneous application, the applicant/ surety has impugned the order dated 23.1.2021, passed by the learned IInd Additional Sessions Judge, Jacobabad, whereby the entire surety bond amount of Rs.300,000/- on account of each bond totaling to Rs.600,000/- was imposed upon applicant. The surety bond amount was forfeited on the premise that applicant failed to produce two accused persons in Court for whom he stood surety and executed surety bonds each in the sum of Rs.300,000/-. It is mainly contended by learned counsel for applicant/ surety that the applicant stood surety, not for any monetary gains and that after passing of the impugned order the accused for whom applicant stood surety were arrested and tried by learned trial Court and ultimately they have been acquitted of the charge by learned trial Court vide its judgment dated 20.04.2022. As such, according to learned counsel the applicant/ surety deserves some leniency. He further contended that applicant/ surety is very poor person and he is not in a position to deposit such huge amount, as such he prays for taking lenient view. He however further submitted that the applicant/ surety is ready to pay 1/4<sup>th</sup> of the imposed amount in easy installments.

Mr. Ali Anwar Kandhro, Addl. P.G. representing the State controverted the arguments of learned counsel for the applicant and supported the impugned order on all counts. He further argued that the accused persons involved in offenses, and succeeded in obtaining bail and thereafter jumped the bail bonds, he, however, submitted that there is legal requirement that the full bail bond amount should be forfeited, as it is settled that once an accused person jumps

bail bond, the entire surety amount becomes liable to be forfeited in the absence of any mitigating circumstances. He however did not controvert the fact that the accused persons have been acquitted of the charges by the learned trial Court after their re-arrest.

In the case in hand, the applicant stood surety for the accused of their appearance before the trial Court but failed to secure their attendance on every date of hearing, finally, they jumped the bail and were subsequently re-arrested and their trial commenced and consequently, they were acquitted from the charges vide judgment dated 20.4.2022 passed by the learned trial Court.

Learned counsel for applicant/ surety has advanced the main arguments for taking lenient view that the applicant stood surety not for any monetary gains and that after passing of the impugned order the accused for whom applicant stood surety were re-arrested and tried by learned trial Court and ultimately they have been acquitted of the charge and that the applicant/ surety is very poor person and he is not in a position to deposit such huge amount, as such he has prayed for taking some leniency.

Accordingly, in view of the submissions made by the learned counsel for applicant/ surety, I, by taking lenient view reduce the amount of surety bond i.e. Rs.300,000/- for each accused to Rs.100,000/- for each accused, which shall be paid by the applicant/ surety in four equal consecutive installments. The first installment be deposited on or before 5<sup>th</sup> of August, 2022, while remaining amount (installments) be deposited by 5<sup>th</sup> day of every calendar month before trial Court. In case of default the learned trial Court is at liberty to take steps accordingly.

With this modification, the instant criminal miscellaneous application disposed of. A copy of this order be sent to learned trial Court through learned Sessions Judge concerned for compliance.

**Judge**