

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Crl. Rev. Application No. 72 of 2023

**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

1. For orders on MA No. 4487/2023
2. For hearing of main case
3. For hearing of MA No. 4015/2023

**14-04-2023**

Ms. Asma Khan, Advocate for applicant.  
M/s. Faheem Ahmed Panhwar and Talib Ali Memon, A.P.Gs.

=====

Urgency granted.

**Omar Sial, J:** Muhammad Hassan Patel is accused in crime number 1231 of 2022 registered under sections 380, 504, 506 and 406 P.P.C. at the S.S.H.I.A. police station in Karachi and was admitted to post arrest bail by the learned Judicial Magistrate, Karachi Malir on 30-8-2022. Apparently after the applicant was granted bail, the respondent No.1 complained to the learned 5<sup>th</sup> Additional Sessions Judge, Malir that the applicant had threatened her. This representation of the respondent's counsel was accepted by the learned trial court who cancelled the bail granted earlier to the applicant on 30-8-2022.

2. I have heard learned counsel for the applicant as well as learned APG. None has appeared on behalf of the complainant despite notice. My findings and observations are as follows.

3. I am not entirely satisfied that a challenge to the impugned order should have been through a Crl. Rev. Application. Perhaps the proper course to follow was that once the bail was recalled a post arrest bail application should have been filed in this court. Be that as it may, a litigant should not be inconvenienced for such technicalities. This revision application is therefore converted to a post arrest bail application under section 497 Cr.P.C. Office to do the needful in this regard.

4. I have gone through the impugned order with the assistance of learned counsels. It appears to me that perhaps bail was recalled a little prematurely. The applicant was already on bail when his bail was cancelled. Some of the observations made by the learned trial court while cancelling the bail should not have been made as it tantamount to re-visiting the bail application already given to the applicant. As regards the threats allegedly being received, I notice that there is no real material available on record to substantiate that. In any case learned counsel for the applicant has undertaken and represented that the applicant will not threaten or even contact the respondent No.1. The impugned order is set aside in terms of which the applicant was admitted to bail is revived.

5. This CrI. Rev. Application stands disposed of along with pending application.

JUDGE