

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Miscellaneous Application No. S-387 of 2024

(Abdul Ghani Vs. Abdul Wahid @ Wahidu & others)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Date of hearing & Order 07.08.2024

Mr. Afzal Karim Virk, Advocate for the applicant

Mr. Khuda Bux Panhwar, Advocate for respondent No.01 & 02

Mr. Shahzado Saleem, Additional P.G, Sindh

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ORDER

Adnan-ul-Karim Memon, J. This Criminal Misc Miscellaneous Application

has been brought under section 497(5) Cr. P.C for the cancellation of bail granted to the private respondents by the learned Additional Sessions Judge-I/Model Criminal Trial Court Umerkot in Criminal Bail Application No.13/2023 vide Order dated 23-02-2023.

2. At this stage, I asked the learned counsel as to how this Criminal Miscellaneous Application is maintainable as the principles governing the grant of bail and the cancellation of bail substantially stand on different footings. Besides, cancellation of bail is a harsh Order because it interferes with the liberty of any individual. Per learned counsel, the private respondents committed a heinous offense and now they are extending threats to the applicant/complainant. Thus, they have misused the concession of bail attracting section 497(5) Cr. P.C.; therefore, the impugned bail-granting Order passed by the trial Court, is liable to be recalled at this stage.

3. When confronted with the legal position of the case, as discussed supra, after arguing the matter at some length, learned counsel for the applicant seeks disposal of this Criminal Miscellaneous Application in the terms that the trial Court may be directed to conclude the trial within two months.

4. The learned Additional P.G. assisted by learned counsel for the private respondents has no cavil to the aforesaid proposition and submits that this Criminal Miscellaneous Application may be disposed of in the terms of the statement of the applicant.

5. The proposal seems to be reasonable and acceded to, with direction to the trial Court to conclude the trial within two months. However, it is made clear that in case of failure on the part of the trial Court to comply with the directions, the matter will be referred to the MIT-II of this Court for placing the matter before the competent authority for appropriate Orders on the administrative side.

In view of the above, this Criminal Miscellaneous Application is disposed of.

JUDGE

Ali Sher