

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Misc. Application No.16/2024
[Muhammad Farooq v. Mansoor Anwar & others]

Date	Order with signature of Judge
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BEFORE:
MR. JUSTICE ARSHAD HUSSAIN KHAN

FRESH CASE

1. For orders on M.A. No.413/2024 [U/A]
 2. For orders on office Objection & reply of Advocate at Flag A
 3. For orders on M.A. No.414 of 2024 [Ex/A]
 4. For hearing of Main case.
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17.01.2024

Mr. Ali Zaheer, Advocate for the Applicant.

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1. Granted.
 2. Deferred.
 3. Granted subject to all just exceptions.
 4. The applicant / complainant by way of instant Criminal Miscellaneous Application filed under Section 497 (5) Cr.P.C. Read with Section 561-A seeks cancellation of bail granted to respondents 1 to 3 by learned IIIrd Additional District & Sessions Judge, Karachi [Central], vide order dated 04.11.2023 in Cr. Bail Application No.2487 of 2023 (Re-Mansoor Anwar v. The State), vide order dated 24.08.2023 in Cr. Bail Application No. 1668 of 2023 (Re-Danish Hussain v. The State) and vide order 10.08.2023 in Cr. Bail Application No. 1708 of 2023 (Re-Syed Shayan v. The State) arising out of Crime No.287 2023 registered at Police Station New Karachi, under Sections 406, 34 PPC.
 2. The facts of the case are already stated in the memo of this application, therefore, there is no need to reproduce the same to save precious time of the Court.
 3. It is mainly contended by learned Counsel for the applicant that the respondents / accused, after obtaining bail from the trial court are misusing the concession of bail by issuing the threats to the applicant as well as his witnesses. He further submits that the respondents / accused were nominated in the FIR with specific roles but the learned trial court without

considering the record has granted bail to them; therefore, he prays that bail of the accused persons may be recalled.

4. I have heard learned counsel for the applicant and have gone through the material available on record.

5. It reveals from the record that after registration of case the respondents/ accused moved their separate applications for grant of pre-arrest bail before IIIRD Additional Sessions Judge, Badin, who granted ad-interim pre-arrest bail to them and later on their ad-interim pre-arrest bail were confirmed, vide orders dated 04.11.2023, 24.08.2023 and 10.08.2023 (impugned herein). I have also gone through the impugned orders, which reflect that the pre-arrest bail were granted to the respondents / accused, inter alia, on the grounds that the alleged offence does not fall within the prohibitory clause of Section 497. It is also settled that the principles for granting bail and those for cancellation of bail is altogether different; hence the strong and cogent reasons are required for recalling of bail granting order. For instance if the bail granting order is perverse or disregard to the settled principles regulating grant of bail. The learned counsel for the applicant / complainant is unable to put forth any of the above settled principles governing the cancellation of bail. Reliance in this regard can be placed on the case of *Muhammad Azhar v. Dilawar* [2009 SCMR 1202].

6. It is, however, observed that the grounds for cancellation of bail as agitated by learned counsel for the complainant could only be thrashed out at the time of recording evidence of the parties. Since the trial is yet to begin thus no fruitful result will come out to recall the pre-arrest bail of the respondents/accused.

7. In view of the above, the impugned orders passed by the trial court need not to be interfered with. Hence, this miscellaneous application is dismissed in limine.

JUDGE