



appreciated, particularly when the applicant being a woman, was granted bail on both merits and medical ground. The order remanding the applicant to custody effectively amounts to the **cancellation of bail** previously granted by this Court.

4. The considerations for cancelling bail are fundamentally different from those for granting or refusing bail under Section 497 of the Cr.P.C. Once bail is granted by a competent court, strong and exceptional reasons are required for its cancellation. It must be demonstrated that the bail order is patently illegal, erroneous, or factually incorrect, leading to a miscarriage of justice. Bail orders should only be recalled in rare and exceptional circumstances, and doing so should be discouraged, particularly when the trial is already in progress.

5. To cancel a bail, the prosecution must not rely on mere allegations but provide substantive proof supporting its case. The criteria for granting and cancelling bail differ; with the latter requiring evidence that the original order is clearly perverse, grossly illegal, or in violation of the principles governing the bail.

6. A notice of application for bail cancellation must be properly served on the accused, not his/her counsel, and must allow sufficient time for the accused to respond. Failure to serve notice directly on the person released on bail is procedurally improper. If bail is cancelled without proper notice, High Court has the jurisdiction to recall such orders under Section 561-A Cr.P.C.

7. The underlying principle is that once the concession of bail is granted by a court of competent jurisdiction, very strong and

exceptional grounds are required to interfere with such a concession. The accused, having been granted bail, enjoys liberty as a result of this concession. Any decision that interferes with this bail would essentially amount to curtailing the accused's freedom prior to the conclusion of the trial, which is a fundamental right enshrined in the Constitution. This principle is supported by the authoritative judgment of the Apex Court of Pakistan in ***Sharif Khan v. The State and another ( 2021 SCMR 87)***. The impugned order passed by the Trial Court is in clear violation of well-established legal principles.

8. For the reasons elaborated above, the impugned order is hereby set aside. The applicant is granted post-arrest bail on the same surety that remains in effect, as the remand order does not indicate any forfeiture of the surety. The applicant shall be released on bail by the jail authorities upon the execution of a personal bond. Accordingly, the Criminal Bail Application filed by the Applicant is disposed of in these terms.

**J U D G E**