

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Applns. No. S-530, 531 & 532 of 2025

Applicant : Muhammad Imran s/o Muhammad Ishaque,
Through Mr. Shahnawaz Waseer, Advocate

Complainant : Abdul Rahim s/o Muhammad Usman, Chijjan
Through M/s Khan Muhammad Sangi & Sikander
Saddar Siddiqui, Advocates

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 26.09.2025
Date of short order : 26.09.2025
Reasons recorded on : 29.09.2025

ORDER

KHALID HUSSAIN SHAHANI, J.– This order will decide three bail applications captioned above filed by the applicant/accused Muhammad Imran Bhatti in cases bearing crime Nos.27/2019, 69/2019 & 70/2019 offence under sections 489-F PPC of P.S A-Section Ghotki. Prior to this, anticipatory bails sought by the applicant in all above three cases were declined by the Court of learned Additional Sessions Judge-II, Ghotki through separate orders dated 26.05.2025.

2. As per prosecution's theory, applicant had issued post-dated cheque leaves in favor of the complainant, which on presentation were dishonored due to insufficient funds. Consequent upon; cases referred above were registered against him.

3. It is pertinent to note that the applicant initially sought post-arrest bail from the court of learned Judicial Magistrate-I, Ghotki vide order dated 14.02.2019, whereby he misusing such concession, remained fugitive from law, as such, coercive process was issued against him and subsequently declared as proclaimed offender. The reason for five years abscondence is on bald ground that allegation of *Karap* was leveled against him; such fact precluded him to appear before the learned trial Court.

4. Learned counsel for the applicant/accused, vehemently argued to enlarge the applicant/accused on pre-arrest bail, presenting several grounds. He contended that the applicant is innocent and has been falsely implicated, asserting that there was inordinate delay in registration of FIR; the offence with which applicant/accused is charged is punishable with three years

punishment as such the case does not fall within the ambit of prohibitory clause of 497(1) Cr.P.C; the applicant had never proceeded to Saudi Arabia on tickets of complainant being agent, nor issued any of the cheque leaves in question in his favor; the case is a result of friendship of complainant with SSP Yar Muhammad Rind, who had forcibly obtained the alleged cheque leaves from the applicant; besides, handed over his custody to P.S A-Section Ghotki; however, he after seeking post-arrest bail was attending the court regularly, but unfortunately a false allegation of *karap* was leveled against him by his caste fellows, hence apprehending danger to his life, he could not appear before the trial court, whereby, his bail was cancelled and proclamation issued. He lastly prayed to enlarge the applicant on anticipatory bail. In support of his contentions, the learned counsel relied upon several case laws, including 1978 SCMR 64, 1988 SCMR 1223, 1996 SCMR 11342, 2000 P.Cr.L.J 161, 2020 P.Cr.L.J 931, 2018 P.Cr.L.J 1096, and 2024 SCMR 464, and PLD 2001 SC 509.

5. Conversely, the learned DPG for the State duly assisted by Mr. Sangi, learned counsel for the complainant strongly opposed the bail application, emphasizing the crucial fact that applicant, after being admitted to post-arrest bail by the learned trial court, preferred to remain absconding from the Court of law. He highlighted that due to deliberate abscondence, learned trial court issued NBWs, proclamation in pursuance of Section 87 & attachment of property under Section 88 Cr.P.C, finally declared as proclaimed offender and the case against him was ordered to consigned to dormant file vide order dated 16.09.2019; therefore, not entitled for the relief sought.

6. I have heard the learned counsels for the respective parties and DPG for the State, as well as meticulously perused the material available on record.

7. Most significant factor weighing against the applicant is his deliberate and prolonged abscondence from the course of justice. It is an undisputed fact that after obtaining post-arrest bail, the applicant remained absent from the learned trial court, leading to his declaration as an absconder/proclaimed offender, whereby per report submitted by the learned trial Court on 24.09.2025 is indicative of the fact that case against the applicant was consigned to the dormant file on 16.09.2019. Therefore, the absconding of the applicant after 13.03.2019, explicitly states "deliberate long abscondence from the trial Court dis-entitles him from concession of bail."

8. The case laws cited by the learned counsel for the applicant regarding abscondence are distinguishable from the present facts. The case law 2020 P.Cr.L.J 931, concerning proclaimed offenders and voluntary surrender, does not apply here because the applicant's appearance was not voluntary but rather compelled through concerted efforts by the trial court, including issuing proclamation against him. The ruling in 2018 P.Cr.L.J 1096, which suggests that mere abscondence might not bar bail if the accused is otherwise entitled, is also not applicable, as in the instant case applicant has remained fugitive from law for long five years by misusing the concession of bail accorded to him by the learned trial court. Similarly, case law cited by the learned counsel for applicant including 2024 SCMR 464, PLD 2001 SC 509, 2000 P.Cr.L.J 161, 1996 SCMR 1132, 1998 SCMR 1223, and 1978 SCMR 64, are also not relevant to the peculiar facts of this case, particularly the aspect of deliberate abscondence. In this regard, I am guided by the unreported judgment in Criminal Petition Nos.562, 563, and 564 of 2019, decided by the Honorable Supreme Court of Pakistan on July 25, 2019. The relevant portion of the order is reproduced as follows:

"Before parting with this order, we would like to observe that these petitions seeking cancellation of the private respondents' bail are, even otherwise, misconceived because the impugned judgments passed by the High Court show that during the pendency of the proceedings before the High Court, the private respondents in these petitions had failed to appear, and resultantly, non-bailable warrants for their arrest had been issued, which could not be executed. The law already stands settled that if an accused person admitted to bail is subsequently declared a Proclaimed Offender or non-bailable warrants for his arrest are issued, then such declaration or issuance of non-bailable warrants ipso facto amounts to cancellation of that accused person's bail. A reference in this respect may be made to the case of Yousuf Masih v. The State (1987 P.Cr.L.J. 1412), Muhammad Boota v. Muhammad Arshad and another (Criminal Miscellaneous No. 1481-CB of 2009 decided by the Lahore High Court, Lahore on 09.02.2009), Sharafat Ali v. The State, etc. (Criminal Revision No. 680 of 2008 decided by the Lahore High Court, Lahore on 15.04.2009, which order was subsequently upheld by this Court through the order dated 04.06.2009 passed in Criminal Petition No. 438-L of 2009), and Atta-ur-Rehman v. Rana Phool, etc. (Criminal Petition No. 558-L of 2014 decided by this Court on 17.07.2014)."

9. This principle squarely applies to the present case, where the applicant, having been granted post-arrest bail, subsequently absconded, leading to his declaration as a proclaimed offender. This conduct significantly disentitles him from the discretionary relief of bail. Considering the applicant's deliberate and prolonged abscondence from the judicial process, there are more than reasonable grounds to believe that the applicant is involved in the commission of the alleged offence. The case, therefore, does not fall under the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C.

10. In light of the foregoing discussion and the material available on record, considering deliberate abscondence of applicant for five years, which led the completion of proclaimed offender proceedings, disentitles him to the concession of bail. Consequently, the instant criminal bail application was dismissed vide short order dated 26.09.2025, and interim bail already granted to applicant Muhammad Imran vide order dated 23.06.2025 recalled in all the three bail applications. Accordingly, he was taken into custody and remanded to Central Prison & Correctional Facility Sukkur with directions to be produced before the learned trial Court to face trial. These are detailed reasons of short order referred hereinabove.

11. Office is directed to place a signed copy of this order in the captioned connected matter.

J U D G E