

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Bail Application No.S-903 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	1. For order on M.A No.10316/2025 (U/A)
	2. For order on M.A No.4898/2025 (Return of surety)

01.12.2025

Mr.Rajab Ali Gaho, Advocate for the applicant/surety
Mr.Khalid Hussain Lakho, D.P.G

1. Granted.
2. This application has been moved by the applicant-Surety for withdrawal of the surety in the instant case as the accused person(s) as per the order dated 21.12.2023 passed by the 1st Judicial Magistrate of Bhupat Rai (“the trial Court”) in Criminal Case No.293/2023 (The State through Masood s/o Hajjam Junejo v/s Khaliqdino son of Chakar Pahnwar), disposed off the application u/s 249-A Cr.P.C, by suspending further criminal proceedings without pronouncing the judgment of either acquittal or conviction against the accused, granting bail to the accused and passing order that the accused surety will be kept intact only for 6 months and thereafter it will stand discharge from all liabilities and all respective bonds, if any, has been executed in Criminal Case No.293/2023 and will stand cancelled. According to Counsel, the aforesaid order has not been challenged.

Learned counsel for applicant has relied upon the judgment of the High Court of Sindh in Ahmed Said Shaikh (SIP) and 3 Others v/s Muhammad Bukhshi and Another 2016 P.Cr.LJ Note 127 wherein it was held that “for keeping the case in abeyance is in line and within jurisdiction of the trial Court but germane to add here that such order would neither require to engage the surety of the accused/applicants for an indefinite period. The pendency of the case shall, otherwise, be deemed to be a termination of the case proceedings. . . .” The

learned Deputy Prosecutor General, after perusing the file and documents available on record, and based on the reported cases of S. Masoodul Hassan Naqvi v/s The State in 1986 P.Cr.LJ 1272 and Mst. Sardaran Bibi v. The State in PLD 1990 Kar 233 also records his No Objection.

Heard Counsel and learned DPG. It is pertinent to mention that the trial Court's order to stop proceedings without pronouncing Judgment and passing orders to discharge the accused from all liabilities and all respective bonds submitted to the trial Court is limited to the trial Court, whereas the applicant's surety and P.R. bond stands submitted to the Additional Registrar of this (High) Court in these Criminal bail proceedings.

In the circumstances and principles discussed in the above-mentioned case laws, the application for the return of surety is allowed in the above terms. The Office is directed to ensure compliance and release surety and P.R. bond after proper verification and identification, and as per the rules.

JUDGE

AHSAN K. ABRO