

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail. Appln. No.S-20 of 2023

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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For hearing of M.A. No.3504/25
28.07.2025

Mr. Waqar Ali Phulpoto, Advocate for applicant.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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 24.04.2024 passed by the Judicial Magistrate of Pir Jo Gotth (“the trial Court”) in Criminal Case No.328/2022 (The State v/s Gulzar son of Allah Dad Maitlo and Two Others), dismissed the application u/s 249-A Cr.P.C, and stopped the criminal proceedings without pronouncing the judgment of acquittal or conviction. The trial Court did not pass any orders for the release of surety and P.R. bond. According to Counsel, the aforesaid order has not been challenged. The trial Court reports no such information.

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 is silent regarding the release of surety, while the surety and P.R. bond stands submitted to the Additional Registrar of this Court (the High Court) in these Criminal bail proceedings. Ordinarily, after the final order and/or judgment of the trial Court has been passed which includes orders as to the surety and P.R. bond, thereafter, the

applicant-Surety applies to the same Court where it has submitted its surety and P.R. bond for its release. The trial Court's order is silent on this point. It seems that after the accused joined the trial, as neither the complainant nor the witnesses were appearing before the trial Court, when the trial Court passed its order dated 24.04.2024, no fresh surety or PR bond was available with the trial Court, hence no mention of either surety or P.R. bond is found in trial Court's Order.

In the circumstances and principles discussed in the above mentioned case laws, the surety documents are released/returned to the applicant-Surety SUBJECT to the applicant-Surety submitting to the Additional Registrar of this Court (i) certified copy of Statement of the applicant-Surety attaching the photocopy of the CNIC of accused (front and back) to be filed with the trial Court (pursuant to this Order) which will remain in the lis, and (ii) copy of P.R. bond of the accused disclosing and attaching copy of CNIC of accused. If no P.R. bond is available with the trial Court or the P.R. bond already submitted does not disclose the CNIC number of the accused, then the accused will submit a fresh P.R. bond to the trial Court, which will remain with the trial Court. The applicant-Surety will also submit to the Additional Registrar of this Court a certified copy of P.R. bond filed afresh.

The above exercise will ensure that if there is any change in the presently "stopped" criminal trial, then, as the case may be, the attendance of the accused before the Magistrate may be secured by the trial Court based on the copy of CNIC of the accused who may be taken into custody and/or any other orders passed by the trial Court.

Accordingly, 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.

Office to send a copy of this Order to the trial Court.

Application M.A. No.3504/2025 stands disposed of in the above terms.

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