

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.**  
**Cr. Misc. Appln: No. S-275 of 2026**

Applicant: Aamir Ali son of Liaquat Ali Jamali through Mr. Illahi Bux Jamali, Advocate.  
Respondents: Through the State & others (nemo).  
Date of Hearing: 11.06.2026.  
Date of Order 11.06.2026

**ORDER**

**TASNEEM SULTANA, J.**— Through the instant Criminal Miscellaneous Application, the applicant/complainant Aamir Ali has called in question the legality of the order dated 09.04.2026, passed by the learned Additional Sessions Judge-I/MCTC, Dadu, in Bail Applications No.603 of 2026 and 472 of 2026, whereby interim pre-arrest bail granted to accused/respondents Abdul Jabbar @ Saleem son of Abdul Qadir, Sultan Ahmed son of Peeral Khan Suhag and Ayaz Ali son of Muhammad Achar Kalhoro was confirmed in Crime No.70 of 2026, registered at Police Station A-Section, Dadu, for offences punishable under Sections 324, 397, 337-A(v), 337-F(i), 147, 148, 149 and 34, P.P.C. The applicant/complainant seeks recall/cancellation of the bail so confirmed.

2. Brief facts of the prosecution case are that on 05.03.2026, at about 9:00 p.m., the complainant Aamir Ali, along with his maternal cousins Muhammad Parial and Muhammad Hasnain, was returning from Irrigation Ground after playing cricket, when near Sui Gas Office, Pir Bux Colony, Dadu, the nominated accused, duly armed, allegedly intercepted them, caused butt blows to the injured persons and deprived them of cash, mobile phones and a CD-70 motorcycle. The injured were taken to Civil Hospital, Dadu, and thereafter injured Muhammad Hasnain was referred to Sehwan Hospital and then to Hyderabad. After discharge of the injured from hospital, the complainant lodged the F.I.R.

3. Learned counsel for the applicant/complainant contends that the impugned order suffer from misreading and non-reading of material available on record; that accused/respondents Abdul Jabbar @ Saleem, Sultan Ahmed and Ayaz Ali are connected with the case and sufficient material is available against them; that the ocular account is supported by injured witnesses and medical material; that the accused/respondents were not entitled to the extraordinary concession of pre-arrest bail; that after securing bail, they have allegedly misused the concession by threatening and pressurizing the complainant party; that another F.I.R. bearing Crime No.88 of 2026 was also registered against some of the accused; and that the impugned order, to the extent of confirmation of bail of the aforesaid accused/respondents, is liable to be recalled. Learned counsel, in support of his contentions, placed reliance

upon 2018 PCr.LJ Note 154, 2009 YLR 1330, 2023 YLR 658, 2023 SCMR 1068, 2020 SCMR 1486 and 2022 SCMR 707.

4. Conversely, learned D.P.G. for the State, while assisting the Court, submits that cancellation of bail stands on a different footing from grant or refusal of bail at the first instance; that once bail has been confirmed by a Court of competent jurisdiction, the same cannot be recalled unless the case falls within the settled parameters governing cancellation of bail; that the learned trial Court, on tentative assessment, had already dealt with the case of accused Muhammad Ismail @ Ismail separately from the remaining accused; that the allegations of misuse of concession, threats and tampering against accused/respondents Abdul Jabbar @ Saleem, Sultan Ahmed and Ayaz Ali are general in nature and are not supported by independent material of unimpeachable character; and that no exceptional circumstance warranting recall/cancellation of bail has been made out.

5. I have heard learned counsel for the applicant, learned D.P.G. for the State and have perused the material available on record with their able assistance.

6. Before dilating upon the grounds urged by the applicant, it would be appropriate to refer to the settled principles governing cancellation of bail. In *Sami Ullah and another v. Laiq Zada and another* (2020 SCMR 1115), the Honourable Supreme Court of Pakistan has held that bail granted to an accused can be recalled in the following circumstances:

*i) If the bail granting order is patently illegal, erroneous, factually incorrect and has resulted in miscarriage of justice.*

*ii) That the accused has misused the concession of bail in any manner.*

*iii) That accused has tried to hamper prosecution evidence by persuading/pressurizing prosecution witnesses.*

*iv) That there is likelihood of absconsion of the accused beyond the jurisdiction of Court.*

*v) That the accused has attempted to interfere with the smooth course of investigation.*

*vi) That accused misused his liberty while indulging into similar offence.*

*vii) That some fresh facts and material has been collected during the course of investigation which tends to establish guilt of the accused.*

7. In the present case, the grounds urged by the applicant, in substance, relate to factual controversy between the parties and disagreement with the tentative view formed by the learned trial Court. Cancellation of bail cannot be ordered merely because another view of the same material is possible, unless

the order granting bail is shown to be patently illegal, perverse, arbitrary, based on gross misreading or non-reading of material, or unless subsequent misuse of concession is established through strong and convincing material.

8. Tentative assessment of the material reflects that accused / respondents Abdul Jabbar @ Saleem, Sultan Ahmed and Ayaz Ali were not shown as the principal assailants in the initial narration of the F.I.R. and their connection with the case is based on the material collected during investigation. Besides, certain aspects of the prosecution case, including the nature of injuries, their exact attribution, the applicability and effect of the penal provisions added based on medical material, and the extent of individual role of each accused, require determination at trial. These aspects, at bail stage, may give rise to further inquiry and cannot be conclusively resolved without recording evidence.

9. The learned trial Court did not extend bail in a mechanical manner. Bail of accused Muhammad Ismail @ Ismail was declined on account of the specific role attributed to him regarding injury to injured Muhammad Hasnain, whereas bail of the remaining accused was confirmed on tentative assessment of the material available before the learned trial Court. Such view cannot be treated as patent illegality or perversity merely because the applicant seeks a different appreciation of the same record.

10. So far as the allegations regarding threats, influence, tampering with evidence and misuse of concession are concerned, the same are general in nature. No independent material of unimpeachable character has been placed before this Court at this stage to show that accused / respondents Abdul Jabbar @ Saleem, Sultan Ahmed and Ayaz Ali have misused the concession of bail in a manner attracting the stringent principles governing cancellation of bail. Mere apprehension or assertion, or mere reference to another F.I.R. without determination of its effect through proper proceedings, would not be sufficient for recalling bail already confirmed by a competent Court.

11. In view of the above facts and circumstances, the applicant has failed to make out any exceptional case for recall/cancellation of bail. The impugned order dated 09.04.2026 does not appear to suffer from such patent illegality, perversity or gross misreading/non-reading of material as would warrant interference under Section 497(5), Cr.P.C. Consequently, the instant Criminal Miscellaneous Application is dismissed in limine.

12. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice either party at trial.

**JUDGE**