

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Crl. Misc. Application No.S-623 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection.
- 2. For orders on M.A No.2033/2024.
- 3. For hearing of main case.

17.02.2025

Mr. Dhani Bakhsh Mari, Assistant Prosecutor General Sindh a/w Assistant Rehabilitation Branch, D.C Office, Mirpurkhas and ASI Muhammad Afzal of PS Nabisar Road.

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This matter was adjourned to satisfy this court about the maintainability of the application by the counsel for the applicant. For convenience, I would refer Section 497(5) Cr.P.C.

“(5) A High Court or Court of Session and, in the case of a person released by itself, any other Court may cause any person who has been released under this section to be arrested and may commit him to custody”

A plain reading of the definition demonstrate that it is none else except court who was granting bail must approach at first instance as mentioned in the definition “itself which obvious meant that it is court who has granted bail”.

Apparently, in the present case, bail has been granted by the learned Sessions Judge, Umerkot in Bail Application No.930/2024, Cr. No.55/2024, U/S 381-A and 34 PPC of PS Nabisar Road, as such cancelation of bail U/S 497(5) Cr.P.C without first approaching the same court is not maintainable before this court.

In view of above, bail application stands dismissed alongwith listed application. The applicant is at liberty to approach the relevant court, if he so desires.

JUDGE