

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Misc. Application No.286 of 2023

Date	Orders with Signatures of Judges
-------------	---

1. For orders on MA No.5268/2024
2. For hearing of main case
(progress report received from the trial court flagged)

23.05.2025.

Mr. Sajjad Ahmed, Advocate holding brief for Mr. Siraj Ahmed Mangi, Advocate for the applicant.
 Mr. Amna Ansari, APG

1&2. Applicant/complainant Mst. Hakeema seeks cancellation of pre-arrest granted to the Respondents in crime No.151/2023 under section 302, 34 PPC registered at PS Surjani Town, Karachi, by the learned X Additional Sessions Judge, Karachi West, vide order dated 07.04.2023.

Briefly facts of the case are that deceased Rozina daughter of complainant was married with Respondent/accused Farhan. On 24.10.2022 the deceased with her minor baby Aiman came to complainant house and was vexed. Applicant in night came in drunk condition and took her forcibly to his home. After an hour complainant niece Yasmeen called and informed complainant that due to some injury the deceased is in Al-Shifa Hospital. The complainant alongwith her sons reached there and found deceased in unconscious condition. The deceased was referred to Abbasi Shaheed Hospital where doctors informed that she has already expired. However, Farhan refused to conduct postmortem and extended threats. During ritual bath of the deceased the ladies informed that blood was oozing from her nose, back head and ears.

The progress reports dated 21.09.2024 and 12.02.2025 submitted by the trial Court reveals that after framing of charge PW-1 Mst. Hakeema, PW-2 Muhammad Sohail, mashir of pointation of grave of deceased at the time of exhumation, and PW-3 Mst. Yasmeen Shahid have been examined.

Today learned counsel for the applicant is called absent. Mr. Sajjad Ahmed, Advocate holding brief for Mr. Siraj Ahmed Mangi, Advocate states that he is unwell. The learned APG did not support

the impugned order on the ground that accused/respondent Farhan was husband of the deceased and found fully involved in the alleged offence, which falls within the prohibitory clause of Section 497 Cr.P.C.

I have gone through the impugned order and the material available on record. Admittedly, there is no direct evidence or eyewitness of the alleged incident and no specific roll has been assigned to the respondents in the FIR. There is nothing on record that the respondents/accused after grant of bail have misused the concession or threatening the prosecution witnesses. Even otherwise, the criteria for grant of bail and its cancellation are quite different. The Honorable Supreme Court of Pakistan in the case reported in 2020 SCMR 1115 has handed down by this Court has reiterated the same principles which are reproduced as under: -

- i) If the bail granting order is patently illegal, erroneous, factually incorrect and has resulted into 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.

Perusal of progress reports submitted by the trial Court reveals that trial has commenced and three prosecution witnesses as aforesaid have been examined. Accordingly, I do not find any merit in the instant criminal misc. application which is accordingly dismissed. However, the trial Court is directed to expedite the trial and conclude the same within a period of three months from the date of receipt of this order under compliance report to the MIT II of this Court.

Judge