

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Crl. Misc. Application No.S-209 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection.
- 2. For hearing of main case.

05.11.2025

Mr. Mir Naeem Akhtar Talpur, advocate for the applicant.
Mr. Ghulam Abbas Dalwani, Deputy Prosecutor General Sindh.
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The applicant is complainant in F.I.R No.85/2025, under sections 3-4 Child Marriage Act of PS Satellite Town, Mirpurkhas. The applicant has impugned the order dated 07.08.2025 whereby learned trial court has granted pre-arrest bail to the respondent.

On last date of hearing, counsel for the applicant was directed to satisfy this court about the maintainability of the cancellation of bail in view of dicta laid down in a case of *Muhammad Shafi v. The State and others* **PLD 1977 SC 57** and in a case of *Saeedullah Vs. The State* reported in **2023 SCMR 1397**.

Learned counsel for the applicant submits that respondent has committed cognizable offence and he has violated the law, therefore, he is not entitled for grant of bail.

Learned D.P.G supported the impugned order and submits that there is no illegality in the impugned order which has been passed by the learned trial court in accordance with law.

Heard learned counsel for the applicant, learned D.P.G and perused the record.

Admittedly, the grant of bail and its cancellation are entirely different and Hon'ble Supreme Court of Pakistan has settled principal for cancellation of bail in cases reported in **PLD 1977 SC 57** and **2023 SCMR 1397** whereby the criteria has been fixed for cancellation of bail. The perusal of impugned order reveals that learned trial court has granted bail to the respondent on following grounds:-

- i. *Admittedly, the applicant/accused is the father of co-accused Shahzaib, who allegedly entered into Nikah with the complainant's daughter Emaan by contracting a free-will marriage in court.*
- ii. *No specific role has been assigned to the present applicant/accused in the actual solemnization of the marriage, and there is nothing on record to suggest that he was directly involved in the performance or facilitation of the said court marriage.*
- iii. *Furthermore, the FIR has been lodged with a delay of nearly one month, as the alleged incident occurred on 29-05-2025, while the FIR was registered on 01-07-2025.*
- iv. *The alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C, which would mandate refusal of bail unless exceptional circumstances exist.*

In view of above, patently the impugned order is in accordance with law and learned trial court has rightly granted bail and no case for cancellation of bail is made out in view of dicta laid down by Hon'ble Supreme Court of Pakistan in various judgments.

In view of above, the instant CrI. Misc. Application stands dismissed.

JUDGE