

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Crl. Bail Application No.3181 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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For hearing of bail application
1. For orders on M.A. No.16812/2025 (U/A).
2. For orders on M.A. No.16813/2025 (Ex/A).
3. For hearing of bail application.
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Dated 17.11.2025

Mr. Jahangeer Kalhor, Advocate for the Applicant a/w applicant.
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1. Urgency granted.
- 2-3. Through this Criminal Bail Application, the applicant/accused Shahjaan Lashari seeks transitory/protective bail in Direct Complainant No.102 of 2025, registered at P.S Satellite Town, Mirpur Khas.

Learned counsel for the applicant/accused inter alia contends the applicant/accused is innocent and has been falsely implicated in this case; that initially Direct Complainant No.07/2023 was registered on the complaint of District and Sessions Judge, Mirpur Khas through Reader Muhammad Aslam, subsequently, the proceeding of the said complaint was stopped under Section-249 Cr.P.C vide order dated 25.11.2023; that the aforesaid proceeding of direct complaint again reopened through Direct Complaint No.102/2025 and the Consumer Protection Court/Civil Judge and Judicial Magistrate has issued Bailable Warrant against the applicant. The applicant apprehends his arrest, therefore, seeks protective/transitory bail.

Learned counsel for the applicant has been inquired whether any NBW has been issued by the trial Court for arrest of the applicant, he replied in negative and submits that bailable warrant is issued against him.

It may be observed that mere issuance of bailable warrant is not the sufficient ground to grant protective/transitory bail to the accused. Record reflects that the applicant was not attending the Court, therefore, only bailable warrant was issued in the sum of PKR

30,000/- to bound down the applicant to appear before the Court in the Direct Complaint.

Furthermore, it is settled law that the object of granting protective or transitory bail is merely to enable an accused to approach the Court of competent jurisdiction for seeking appropriate relief, and not to circumvent or defeat the lawful process already initiated by the trial Court. In the present matter, no non-bailable warrant or coercive process has been issued by the trial Court. The issuance of a simple bailable warrant, by its very nature, neither authorizes the police to effect arrest nor creates any immediate threat of detention so as to justify invoking extraordinary discretionary relief from this Court.

It also appears from the record that the applicant has remained negligent in attending the proceedings of the Direct Complaint, which prompted the learned trial Court to issue bailable warrant only to secure his presence. The applicant, instead of complying with the lawful direction of the trial Court and surrendering before the same, has directly approached this Court without any substantiated apprehension of arrest. Such conduct does not entitle the applicant to seek discretionary relief.

Protective or transitory bail cannot be used as a shield against routine processes meant to ensure appearance of an accused before the trial Court. Granting such relief in the absence of any real or imminent threat of arrest would amount to interfering in the jurisdiction of the trial Court, which is neither warranted by law nor supported by the facts of the case.

For the above reasons, the present application is misconceived and devoid of merit; hence, it stands dismissed along with the listed applications.

JUDGE

Ayaz Gul