

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Misc. Application No. S-104 of 2026

Date of hearing	Order with signature of Judge
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- For fresh case**
- 1. For orders on M.A No.796/2026 (U/A)
 - 2. For orders on office objection.
 - 3. For orders on M.A No.797/2026 (Ex/A)
 - 4. For hearing of main case

09.02.2026

Mr. Abdul Mujeeb Shaikh, Advocate for applicant
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The applicant, *Abdul Qayoom*, by invoking the plenary and inherent jurisdiction vested in this Court under the law, has assailed the validity, propriety and legality of the order dated 26.01.2026, rendered by the learned Additional Sessions Judge-IV/(Hudood), Sukkur, in Sessions Case No.262 of 2021 titled “*State versus Zakir and others*”. By the said order, owing to the applicant’s non-appearance on three successive dates, the learned trial Court directed issuance of Non-Bailable Warrants against him and further directed forfeiture of his bail bond, albeit without passing any express order regarding cancellation of bail.

2. Learned counsel for the applicant, while advancing submissions, contends that on each date of hearing in question, applications seeking condonation of the applicant’s absence were duly tendered before the learned trial Court, accompanied by cogent explanation that the applicant had proceeded to Islamabad to prosecute proceedings pending before the National Industrial Relations Commission (NIRC). In substantiation thereof, attendance certificates issued by the said forum have been annexed on record.

3. Upon perusal of the available record and from a prima facie evaluation of the material so placed, the absence of the applicant does not, ex facie, appear to be contumacious, deliberate, or tainted with mala fides.

Rather, the same stands sufficiently accounted for through documentary corroboration of his attendance before the NIRC at Islamabad. It is of notable significance that the applicant's bail has not been cancelled; merely the surety bond stood forfeited.

4. In these premises, the impugned order dated 26.01.2026, to the extent of issuance of Non-Bailable Warrants, is hereby set aside. The applicant is directed to surrender himself before the learned trial Court, whereupon his surety shall continue to hold good subject to the satisfaction of the said Court.

5. Consequently, the instant Criminal Miscellaneous Application, together with all listed interlocutory applications, stands disposed of in the foregoing terms.

JUDGE