

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Misc: Application No. S-85 of 2026

Abdul Samad v. The state and another.

Date	Orders with signature of Judge
------	--------------------------------

1. For orders on MA No.1325/2026 (U/A).
2. For orders on office objection flag 'A'.
3. For orders on MA No.1326/2026 (E/A).
4. For hearing of main case.

30-03-2026

Mr. Muhammad Mithal Lak, Advocate for applicant.

* * * * *

Through this Criminal Miscellaneous Application, the applicant seeks cancellation of bail granted to the respondent/accused. Learned counsel for the applicant submits that the name of the accused transpires in the F.I.R. with a specific role of aerial firing. He further submits that the case involves offences under Sections 302, 114, 337-H(ii), 148 and 149, P.P.C., and that the occurrence was committed in furtherance of a common object. It is contended that the learned trial Court granted bail without properly appreciating the gravity of the offence and the material available on record; therefore, the accused is not entitled to the concession of bail.

I have heard learned counsel for the applicant and perused the material available on record. It is a settled principle of law that the considerations for cancellation of bail are entirely distinct from those governing the grant of bail. Bail once granted cannot be cancelled unless it is shown that the concession has been misused, or that the impugned order suffers from illegality, irregularity or perversity, or has been passed in disregard of settled principles of law. The Hon'ble Supreme Court of Pakistan in *Muzaffar Iqbal v. Muhammad Imran Aziz* (2004 SCMR 231) and *Sharif Khan v. The State* (2021 SCMR 87) has held that bail once granted should not be cancelled unless there are strong and exceptional circumstances, such as misuse of concession or glaring illegality in the impugned order. The facts of the present case do not attract such exceptions.

In the present case, the role attributed to the respondent/accused is that of aerial firing, and no specific injury has been assigned to

him. The question of his ultimate liability, including applicability of common intention or common object, requires deeper appreciation of evidence, which is to be undertaken at trial. It may be observed that this Court does not find any illegality, irregularity or perversity in the impugned order passed by the learned trial Court, and the concession of bail appears to have been granted in accordance with settled principles of law. Moreover, no material has been placed on record to demonstrate that the respondent/accused has misused the concession of bail or attempted to interfere with the course of justice.

In view of the foregoing, no case for cancellation of bail is made out. Accordingly, this Criminal Miscellaneous Application is hereby dismissed in *limine* along with listed applications.

JUDGE