

**IN THE HIGH COURT OF SINDH KARACHI**  
**Cr. Bail Application No.521 of 2026**

Applicant : Naik Muhammad son of Sharbat Khan  
Through Mr. Malik Abdul Hameed,  
Advocate

Complainant : Shaikh Muhammad Amir  
Through M/S Salahuddin Khan Gandapur  
& Safeerudding Khan Gandapur  
Advocates

Respondent : The State  
Through Ms. Robina Qadir, DPG

Date of hearing : 21.04.2026  
Date of order : 21.04.2026

**ORDER**

**MIRAN MUHAMMAD SHAH, J:-** Through captioned criminal bail application, applicant Naik Muhammad son of Sharbat Khan, seeks pre-arrest bail in Crime No.20 of 2025, registered at P.S Maripur, for the offences punishable under Sections 447, 188, 506 and 34 PPC. Prior to this the applicant had approached the court of learned Additional Sessions Judge-XII, Karachi West, for the same relief but it was declined vide order dated.07.10.2025. He was granted interim pre-arrest bail by this court on 17.02.2026, which is now fixed for confirmation or otherwise.

2. The facts of the case are need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are also stated in detail therein.

3. Heard and record perused.

4. The record reveals that the subject property belongs to this Court and had been entrusted to the complainant, under the orders of this Court, for its care and protection. The complainant, being a custodian of the Court's property, was under a legal obligation to safeguard the same, and

the FIR appears to have been lodged in pursuance of such directions. From the contents of the FIR it appears that the present applicant, along with his companions, allegedly trespassed upon and illegally occupied and damaged the said property. At this stage, no material has been produced which may suggest any mala fide on the part of the complainant or that the applicant has been falsely implicated. On the contrary, the allegations prima facie find support from the circumstances narrated in the FIR. It is also an admitted position that the applicant was earlier granted bail by the learned concerned Magistrate; however, he misused the concession of bail by absconding and remaining willfully absent, as such his bail was recalled. Thereafter, his application for bail was declined by the learned Sessions Court. The applicant subsequently approached this Court for grant of pre-arrest bail, which too was dismissed for non-prosecution vide order dated 26.09.2025. It is a settled principle that the concession of bail is founded upon the bona fide conduct of an accused, and any misuse thereof, particularly by absconding, disentitles such an accused from seeking further discretionary relief. A fugitive from law is not entitled to claim equitable relief from the Court. Furthermore, the relief of pre-arrest bail is an extraordinary remedy, which is to be granted only in exceptional circumstances, primarily to protect an innocent person from malicious prosecution or ulterior motives. In the present case, no such exceptional circumstance has been pointed out. The applicant has failed to demonstrate any mala fide, ulterior motive, or abuse of process on the part of the complainant. Additionally, the allegations pertain to illegal occupation of property belonging to this Court. Such an act, prima facie, not only constitutes a serious offence but also undermines the authority of the Court and cannot be viewed lightly. In view of the above facts and circumstances, including absence of mala fide, prima facie involvement of the applicant, misuse of earlier concession of bail, his conduct of abscondence, and the

extraordinary nature of relief sought, no case for grant of pre-arrest bail is made out. Consequently, the interim pre-arrest bail earlier granted to the applicant is hereby recalled, and the instant pre-arrest bail application stands dismissed.

5. Needless to mention here that the observation made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits.

Criminal bail application stands disposed of.

**JUDGE**

Suleman Khan/PA

