

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

Cr. Bail Application No.S-317 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For further orders

17.06.2026

By means of this order, the reply filed by the surety to the notice issued under Section 514, Cr.P.C. is being disposed of.

Record reflects that the applicants, namely Muhammad Qasim son of Bashir and Ibrahim son of Sheral Khan, had filed the captioned Application for pre-arrest bail in Crime No.09 of 2025, registered at Police Station Piyaro Lund, District Tando Allahyar, for offences under Sections 506, 504, 509 and 337-A(i), P.P.C. The applicants were granted ad-interim pre-arrest bail on 26.03.2025, subject to furnishing solvent surety in the sum of Rs.50,000/- each and P.R. bond in the like amount.

On 28.04.2025, when the matter was fixed for hearing, the applicants as well as their counsel were called absent without intimation; consequently, the interim pre-arrest bail granted to them was recalled, bail bonds furnished by the surety were ordered to be forfeited, intimation was directed to be communicated to SHO, P.S. Piyaro Lund, for arrest of the applicants and notice was issued to the surety. Thereafter, on 12.05.2025, the main bail application was dismissed for non-prosecution and notice was repeated to the surety in terms of Section 514, Cr.P.C. Pursuant to such notice, the surety appeared and filed reply on 18.09.2025, which was taken on record and copy whereof was supplied to the learned D.P.G. Sindh.

The question for consideration is whether, in the facts and circumstances of the present case, proceedings under Section 514, Cr.P.C. are required to be continued against the surety. The record shows that forfeiture of bail bonds was ordered on account of absence of the applicants while they were enjoying interim pre-arrest bail. On the same date, interim protection granted to them was recalled and intimation was also ordered to be communicated to the concerned SHO for their arrest. Subsequently, the main bail application was dismissed for non-prosecution. Thus, after recall of interim protection and dismissal of the bail application, the matter stood confined to securing arrest of the applicants/accused in accordance with law.

Proceedings under Section 514, Cr.P.C. are penal in nature and are not to be continued mechanically. The object of surety bond is to secure attendance of

the accused and not to punish the surety in the absence of material showing deliberate, contumacious or mala fide conduct on his part. In the present case, no such material has been brought on record. The surety has appeared before this Court and submitted his explanation. It is also stated in the reply that the applicants/accused have subsequently been taken into custody. No final order imposing or quantifying any penalty against the surety has been passed.

In view of the above facts and circumstances, no useful purpose would be served by keeping the notice pending against the surety. Consequently, the order dated 28.04.2025, to the extent of forfeiture of bail bonds furnished by the surety, and the subsequent notice issued to him under Section 514, Cr.P.C are recalled. The notice issued to the surety under Section 514, Cr.P.C. is hereby withdrawn/discharged.

The reply filed by the surety stands disposed of in the above terms.

JUDGE

Suvidh Al-Jasir