

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No.3295 of 2026

DATE	ORDER WITH SIGNATUREs OF JUDGEs
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- 1. For orders on M.A. No.16848/2026 (U/A)
 - 2. For orders on office objection a/w reply as at “A”
 - 3. For orders on M.A. No.16849/2026 (Exp/A)
 - 4. For hearing of bail application
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05.10.2026

Mr. Shafqat Gul Malik, Advocate a/w applicant
Usman S/o Nannay Khan

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Shamsuddin Abbasi, J.- Through the instant bail application, the applicant/accused Usman son of Nannay Khan seeks pre-arrest bail in FIR No.158 of 2024 registered at Police Station Super Market, Karachi Central, for offences under Sections 489-F and 420 PPC.

2. It is a matter of record that the applicant/accused was initially admitted to bail by the learned Additional Sessions Judge-V, Karachi Central, vide order dated 27.04.2024 on the basis of a settlement arrived at between the parties, however, the applicant failed to honour the terms and conditions of the settlement, therefore, the complainant moved an application for cancellation of bail before the learned trial Court which was allowed vide order dated 27.01.2025. The applicant thereafter approached this Court by filing Criminal Bail Application No.374 of 2025 and this Court vide order dated 24.06.2025 recalled the ad-interim pre-arrest bail earlier granted to him. The relevant extract is reproduced below:-

“With reference to the order of previous date, counsel for the applicants/accused submits that the applicants/accused are not in his contact, as such, he needs to move application for discharge of his Vakalatnama.

A perusal of record shows that the applicants were granted ad-interim bail vide order dated 11.02.2025 and after 03.03.2025 the applicants are continuously called absent. Furthermore, counsel for the applicants sought time on the pretext that the applicants are ready to pay the amount of cheque in question to the complainant but no such amount has been paid as yet. On the previous date, twice the matter was taken up but the applicants /accused and their counsel were called absent, as such, the matter was adjourned with a note of caution that in the event if the applicants / accused fails to appear before this Court on the next date of hearing, appropriate orders,

which may include recalling of the ad-interim bail order would be passed without providing any further opportunity to him and notices were ordered to be issued to the applicants. As per process server notices were served upon father of applicant No.1 namely Muhammad Shabbir and brother of applicant No.2 Muhammad Furqan but despite of service of notice today again the applicants are not in attendance.

In view of the above circumstances, the order dated 11.02.2025 whereby ad-interim pre-arrest bail was granted to applicants/accused is hereby recalled.”

3. Notwithstanding the above order, the applicant again approached this Court by filing Criminal Bail Application No.284 of 2026 seeking the same relief. The said application was dismissed vide order dated 28.01.2026 with the observation that the earlier bail application had already been dismissed and that instead of availing the appropriate remedy before the Hon'ble Supreme Court the applicant had again approached this Court for seeking same relief. The applicant thereafter once again approached this Court, this time seeking protective bail through Criminal Bail Application No.388 of 2026 and taking into consideration his request to enable him to appear before the learned trial Court on fresh grounds, this Court vide order dated 04.02.2026 extended the concession of protective bail to him for a period of four days. Having obtained the said concession from this Court, the applicant appeared before the learned trial Court and once again entered into a compromise with the complainant. A joint statement was filed by the parties, which reads as under:-

"JOINT STATEMENT"

Both parties have resolved the issue as below:

That applicant accused admits that he is debtor of complainant and for its repayment he will give 200.5786 grams of ARY gold (24k) duly certified by ARY to the complainant before the trial court on August 17, 2026.

In case he failed to hand over gold the complainant will be authorized to lodge new FIR of cheating and he will face legal consequences of this FIR. The trial court is empowered to cancel his bail. After delivery of gold to trial court the complainant filed no objection for grant.

That accused will deposit sale deed of plot No.D-109, Flat No.F-18, Block-14 Gulistan-e-Johar Karachi, stand surety in the trial Court. In case of accused absconded away the trial court will be authorized to forfeit the surety and pay amount to the complainant.

That in view of above bail may be confirmed. That this statement is filed by consent of both parties.”

4. The applicant, however, once again failed to abide by the undertaking given by him. The complainant was constrained to approach the learned trial Court for recalling of the bail order on account of non-compliance with the terms of the compromise. More importantly, despite confirmation of bail, the applicant did not furnish the requisite surety before the learned trial Court. Consequently, proceedings under Sections 87 and 88 Cr.P.C. have also been initiated against him.

5. The above sequence of events is highly significant. The applicant has repeatedly obtained the concession of bail by making commitments and entering into settlements, but has thereafter failed to honour the very terms on the basis of which such concession was extended to him. He has repeatedly remained absent before the Court, failed to comply with judicial directions and after withdrawal or dismissal of his bail repeatedly approached this Court seeking the same relief through different proceedings. Even after obtaining protective bail from this Court specifically to enable him to appear before the trial Court, he again secured confirmation of bail on the basis of an undertaking and thereafter failed to comply with the conditions imposed upon him. Such conduct cannot be viewed as a mere technical or inadvertent default. The repeated breaches, successive non-appearances, failure to furnish the requisite surety and non-compliance with undertakings demonstrate a consistent disregard for the process of law and the conditions attached to the extraordinary concession of pre-arrest bail. A person who repeatedly seeks indulgence of the Court and having obtained such indulgence fails to honour his commitments cannot claim the equitable and discretionary relief of pre-arrest bail as a matter of right. Pre-arrest bail is an extraordinary relief intended to protect a person against mala fide arrest and abuse of process, it is not a device by which an accused may repeatedly evade the proceedings of the trial Court or secure successive opportunities despite his persistent failure to comply with judicial orders. The conduct of the applicant viewed cumulatively disentitles him from any further indulgence of this Court.

6. For the foregoing reasons, I am of the considered view that the applicant has failed to make out case for grant of pre-arrest bail rather his conduct reflects a persistent tendency to obtain the concession of bail and thereafter disregard the conditions upon which such concession was granted. Consequently, the instant bail application is dismissed. The

applicant/accused is directed to surrender before the learned trial Court forthwith and face the trial in accordance with law.

7. This Criminal Bail Application No.3295 of 2026 along with all captioned applications stands disposed of in the foregoing terms.

JUDGE

Naeem /PA