

THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-372 of 2026

Applicant: Muhammad Aslam through Mr. Mukesh Kumar, Advocate.

Respondents1 & 2: Riaz Hussain @ Riaz Ali and Talib Hussain represented by Mr. Ayaz Ali Gopang, Advocate.

Respondents No.3&4: Through Mr. Shawak Rathore, Deputy Prosecutor General, Sindh.

Date of hearing: 12.10.2026.

Date of order: 12.10.2026.

ORDER

MUHAMMAD HUMAYON KHAN, J: - Through this criminal miscellaneous application under Section 497 (5), Cr.P.C., the applicant/complainant seeks cancellation of post-arrest bail granted to respondents No.1 and 2, namely Riaz Hussain @ Riaz Ali and Talib Hussain, vide order dated 25.05.2026 passed by the learned Additional Sessions Judge-VI, Sakrand, in Crime No. 92 of 2026, registered at Police Station Sakrand, District Shaheed Benazirabad, for offences punishable under Sections 302, 504, 147, 148 and 149, P.P.C.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder (PLD 2014 SC 458).

3. Learned counsel for the applicant/complainant contends that, after their release on bail, respondents No.1 and 2 have misused the concession by roaming freely, threatening and harassing the complainant, his witnesses and family members and claiming that they would secure the release of co-accused Saifal Zardari. He contends that their conduct warrants cancellation of bail and their remand to judicial custody.

4. Conversely, learned counsel for respondents No.1 and 2 present in the connected matter viz. Criminal Bail Application No.S-678 of 2026, opposes the application and contends that the impugned order was passed by a competent Court after considering the respective roles attributed to the accused and the material available on record. He contends that no credible or tangible material has been produced to substantiate the allegations of threats, harassment or misuse of the

concession of bail and that no exceptional ground for cancellation has been made out.

5. Learned D.P.G. Sindh contends that cancellation of bail requires cogent grounds and that the allegations of misuse must be supported by material demonstrating conduct warranting interference by this Court.

6. I have heard the learned counsel for the parties and perused the available record. The impugned order reflects that the roles attributed to respondents No.1 and 2 were distinguished from that of co-accused Saifal, to whom the alleged fatal blows on the vital parts of the deceased were attributed. The learned Court below found the case of respondents No.1 and 2 to call for further inquiry, particularly in view of the nature and location of the injuries attributed to them. At this stage, the question is not whether another view of the bail order was possible, but whether sufficient grounds exist to cancel the concession already extended.

7. It is settled that cancellation of bail under Section 497 (5), Cr.P.C. requires strong and exceptional grounds, such as misuse of the concession, interference with the investigation or trial, intimidation of witnesses, likelihood of absconding or obstruction in the course of justice. Mere allegations, without supporting material, are insufficient to justify such an order. In the present case, although the applicant alleges that respondents No.1 and 2 have threatened and harassed him and his witnesses, no tangible material has been identified from the available record to substantiate these allegations. Nor is any specific material shown demonstrating that the respondents have attempted to tamper with evidence or obstruct the proceedings. The seriousness of the offence, by itself, does not constitute a sufficient ground for cancellation of bail once granted by a competent Court. In these circumstances, the applicant has failed to establish any strong, convincing or exceptional ground warranting interference with the impugned order. Consequently, the instant criminal miscellaneous application is **dismissed**.

8. Needless to observe that the above observations are tentative and shall not prejudice either party at trial. In case of any subsequent threat, intimidation or misuse of bail supported by credible material, the applicant shall be at liberty to approach the competent forum in accordance with law.

JUDGE