

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appln No.2581 of 2026

Date: Order with signature(s) of the Judge(s)

1. For Orders on Office Objection as at 'A'
2. For Hearing of Bail Appln.

17th September, 2026.

Syed Aftab Ali Shah advocate for the applicant a/w applicant [on interim bail].

Ms. Najma Latif Golo APG.

Complainant Arif Sohail son of Ikramuddin is present and states that he does not wish to engage private counsel and has expressed his confidence in the learned APG.

Learned counsel for the applicant files an application under Section 561-A, Cr.P.C., which is taken on record. The office is directed to place the same at the appropriate place and assign it a number. Through the said application, the applicant seeks appropriate relief against the show cause notice issued by the learned trial Court on account of the subsequent addition of Section 420, P.P.C. in the challan.

Learned counsel for the applicant submits that the applicant was granted interim pre-arrest bail in Crime No.201/2026 registered at Police Station Nazimabad for an offence under Section 489-F, P.P.C. vide order dated 18.08.2026. It is contended that subsequently during investigation, the Investigating Officer added Section 420 PPC in the challan. The applicant appeared before the learned trial Court on 11.09.2026, whereupon the learned trial Court issued a show cause notice to him as to why he should not be taken into custody in respect of the subsequently added offence. Learned counsel submits that mere addition of Section 420 PPC in the challan, subsequent to the grant of interim pre-arrest bail does not ipso facto extinguish the protection already available to the applicant in the same crime.

I have heard the learned counsel for the applicant as well as learned APG and perused the available record.

The record reflects that the applicant was already enjoying the protection of interim pre-arrest bail in the same crime vide order dated 18.08.2026. Subsequently, Section 420, P.P.C. was added by the Investigating Officer in the

challan. The applicant instead of avoiding the proceedings appeared before the learned trial Court on 11.09.2026 where the impugned show cause notice came to be issued solely with regard to the subsequent addition of Section 420 PPC.

The question, therefore, is whether such subsequent addition, by itself, provides a lawful justification for taking the applicant into custody despite the bail already operating in his favour in respect of the same FIR. In this regard, the principles enunciated in **2018 P.Cr.L.J. Note 196** and **1995 MLD 1082** are relevant, wherein it has been recognized that the subsequent alteration or addition of an offence does not, by itself, automatically nullify the bail protection already granted to an accused in the same case. The subsequent addition of an offence may require examination by the competent Court on the basis of the material available on record, but such addition, without more, cannot be treated as an automatic ground for re-arresting an accused who is already enjoying bail in respect of the same FIR. Accordingly, the mere incorporation of an additional penal provision in the challan, without any order of the competent Court affecting the existing bail would not by itself justify taking the applicant into custody.

In the present case, there is nothing on record to suggest that the applicant has misused the concession of bail, violated any condition imposed upon him, or failed to appear before the Court. Rather, he appeared before the learned trial Court on 11.09.2026. The only circumstance relied upon for issuance of the show cause notice is the subsequent addition of Section 420 PPC in the challan. Such subsequent addition in the circumstances of the present case cannot by itself be made a basis for taking the applicant into custody particularly when the applicant is already protected by an order of pre-arrest bail passed in respect of the same crime.

Accordingly, the instant application is allowed. The show cause notice issued by the learned trial Court on 11.09.2026, to the extent it seeks to expose the applicant to custody merely on account of the subsequent addition of Section 420, P.P.C., is hereby recalled. The applicant shall remain protected by the bail order dated 18.08.2026, subject to the terms and conditions thereof.

To come up on **05.10.2026** for confirmation or otherwise.

JUDGE