IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Misc. Application No.S-233 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Abdul Razzaque S/O Nazeer Ahmed Abro
Through Mr.Abdul Sattar Mahessar Advocate.

Accused: (1). Abdul Sattar S/O Malang Faqir
(2). Abdul Jabbar S/O Abdul Sattar
(3). Ghayoor Abbas S/O Abdul Sattar
(4). Mst. Rimsha D/O Abdul Sattar
All by caste Rid.
Through Mr. Muhammad Aslam Gaddani Advocate.

The State: **Through Mr. Shafi Muhammad Mahar Deputy Prosecutor General (DPG) Sindh.**.

Date of hearing: **26.10.2026**.

Date of order: **30.10.2026**.

Suresh Kumar J:- Through this criminal Miscellaneous Application the applicant/complainant Abdul Razaque seeks cancellation of pre-arrest bail granted to the respondents/accused vide impugned order dated 19.03.2026, passed by the learned 3rd.Addl. Sessions Judge, Khairpur, in Crime No.94 of 2025 for offence punishable Under Section 397 PPC, registered at PS B-Section Khairpur.

2. The relevant facts of the case leading to this application are as follows: The applicant/complainant, Abdul Razaque, lodged an FIR stating that on January 19, 2025, he, his wife Rimsha, PW Rashid Ali, and his father Haji Gul Hassan were present in their house when the private respondents/accused, along with three unknown accomplices armed with weapons, entered the premises. They threatened that they would never spare him. Subsequently, accused Abdul Jabbar fired a shot from his pistol, which struck the wall of the house. Abdul Jabbar then struck the complainant on the back with the butt of the pistol, while his wife Rimsha was allegedly in collusion with the accused. The assailants forcibly robbed gold ornaments and cash amounting to Rs. 360,000 and left the scene, issuing threats. Following this incident, the complainant lodged the FIR as per the orders of the Ex-Officio Justice of

Peace, Khairpur. After the submission of the challan, the case was transferred to the Court of the learned Additional Sessions Judge-III, Khairpur, where it is currently pending adjudication. During the proceedings before the trial court, the respondents/accused were granted bail via order dated March 19, 2026. Being aggrieved, the applicant/complainant has approached this Court through this Crl. Misc. Application.

3. After filing of this application, notice issued to the respondent so also learned DPG.

4. I have heard learned counsel for applicant/complainant, and learned D.P.G Sindh at length, so also learned counsel for respondents/accused. Learned D.P.G and learned counsel for respondents/accused have strongly opposed the grant of application.

5. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned DPG, and the learned counsel for the respondents/accused, and having perused the material available on record, it transpires that, via the impugned order dated March 19, 2025, the learned trial court granted pre-arrest bail to the respondents/accused on the grounds that there was an unexplained delay of nine days in lodging the FIR, which prima facie suggests that deliberation and consultation before the registration of the FIR cannot be ruled out in the circumstances of the case. The record further reveals that respondent/accused Mst. Rimsha, being the wife of the applicant/complainant, has been nominated as one of the accused in the alleged incident, whereas the remaining accused are her father and brothers. This circumstance prima facie indicates the existence of a matrimonial dispute between the parties, as two family suits—one for the dissolution of marriage and the other for the return of dowry articles—are pending adjudication against the applicant/complainant before the learned Family Court. In these circumstances, the possibility of mala fide intention on the part of the applicant/complainant cannot be ruled out. The veracity of these allegations is a matter to be determined by the learned trial court at the time of

trial, after recording and evaluating the evidence. The learned counsel has failed to point out any illegality in the order committed by the learned Additional Sessions Judge-III, Khairpur. Even otherwise, no material has been brought on record to show that the respondents/accused have misused the concession of bail. It is well-settled law that once bail has been granted by a competent court of law, strong and exceptional grounds are required for the cancellation of the bail. Reliance is placed on the case of **Muhammad Azhar v. Dilawar and others (2010 PLJ 465).** In the case of **Chairman NAB through Anti-Narcotics v. Khalid Sharif and others (2006 PLJ 422),** it was held that an order granting bail is liable to be cancelled where it is perverse on the face of the record and when the court embarks on an inquiry having substantive available evidence. In the present case, no substantive material is brought on record for warranting the cancellation of the bail of the respondents/accused.

6. For the foregoing reasons and guidance taken from the above case law, I am of the considered view that applicant/complainant has failed to make-out case for cancellation of pre-arrest bail granted to respondents/accused through impugned order dated 19.03.2025. Consequently, instant Criminal Miscellaneous Application U/S 497(5) Cr.P.C is dismissed.

J U D G E

Hizbullah/PA