

ORDER SHEET

**THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA**

*Criminal Miscellaneous Application No. S-106 of 2026.
Nazeer Ahmed Mugheri v. Manzoor Ali & another.*

Date	Orders with signature of Judge
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1. For orders on office objections 'A'.
2. For orders on M.A No.1560/26 (E/A).
3. For hearing of main case.

08-06-2026.

Mr. Ahsan Ahmed Qureshi, Advocate for applicant.

Ali Haider 'Ada' J:- Through this Criminal Miscellaneous Application, the applicant/complainant seeks cancellation of post-arrest bail granted to respondent No.1, namely Manzoor Ali, by the learned trial Court vide order dated 25.03.2026 in connection with FIR No.13 of 2026, registered at Police Station Taluka Larkana, for offences punishable under Sections 302, 324, 109, 148 and 149, P.P.C.

2. Briefly stated, the prosecution case is that on 22.02.2026, the accused persons, duly armed with deadly weapons, allegedly committed the murder of Abdul Razak and caused injuries to other persons. The specific allegation against respondent No.1, as reflected in the FIR, is that he had allegedly conspired in the commission of the offence. Admittedly, he was not present at the scene at the relevant time.

3. Learned counsel for the applicant contended that the incident took place at the behest and motive of respondent No.1 and that the prosecution has specifically attributed a motivating role to him. He further argued that the learned trial Court had earlier dismissed the pre-arrest bail application of respondent No.1, but subsequently granted him post-arrest bail without there being any fresh ground

available on record, which, according to the learned counsel, reflects inconsistency in the approach of the learned trial Court. It is further submitted that once the respondent was found not entitled to the concession of pre-arrest bail, he was equally not entitled to the concession of post-arrest bail.

4. Heard. Learned counsel for the applicant has carefully examined the material available on record.

5. At the outset, it is observed that dismissal of a pre-arrest bail application does not automatically disentitle an accused person from seeking post-arrest bail. It may further be observed that where an accused otherwise makes out a case for the grant of bail based on the available material, no useful purpose is ordinarily served by first sending him to judicial custody and thereafter extending the concession of post-arrest bail. The settled principle of law is that the liberty of a person should not be curtailed unnecessarily where the circumstances of the case justify his release on bail. In this regard, reliance may be placed upon the cases of **Muhammad Ramzan v. Zafar Ullah (1986 SCMR 1380)** and **AHTISHAM ALI vs The State 2023 SCMR 975**.

6. So far as the role attributed to respondent No.1 is concerned, it is an admitted position that he was not present at the place of occurrence. The allegation against him is primarily that of conspiracy and abetment. The determination of such liability, including the question whether any vicarious criminal responsibility can ultimately be fastened upon him, is a matter requiring deeper appreciation of evidence, which falls within the exclusive domain of the trial Court after recording evidence. Guidance in this respect can be sought from the judgment of the Honourable Supreme Court in **Binyameen v. The State (2026 SCMR 99)**.

7. The law relating to cancellation of bail is now well-settled. Bail, though a concession granted to secure the liberty of an accused

pending trial, is not an unqualified right and may be withdrawn if the concession is misused. Cancellation of bail may be warranted where the accused attempts to influence or intimidate witnesses, tampers with prosecution evidence, commits another offence while on bail, violates conditions imposed by the Court, absconds from the trial proceedings, or where subsequent facts emerge which materially alter the basis upon which bail was granted. Likewise, interference with a bail-granting order may be justified where the order is patently perverse, arbitrary, capricious, passed against the weight of material available on record, or in clear disregard of the settled principles governing the grant of bail. Guidance in this respect can be sought from the judgment of the Honourable Supreme Court in **Rab Nawaz v. Shehzad Hassan (2025 SCMR 1357)**. In the present case, no material has been brought on record to demonstrate that Respondent No.1 has misused the concession of bail.

8. For the foregoing reasons, I am of the considered view that none of the valid grounds for cancellation of bail are attracted in the facts and circumstances of the present case. Consequently, this Criminal Miscellaneous Application, being devoid of merit, is dismissed.

JUDGE