

**ORDER SHEET**  
**IN THE HIGH Court OF SINDH, BENCH AT SUKKUR**  
**Cr. Bail Application No. S- 433 of 2020**

Date	Order with Signature of Hon’ble Judge
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**Disposed of matter**

For direction

**23.11.2020**

Mr. Anwer Ali Lohar Advocate for applicant/surety  
Mr. Abdul Rehman Kolachi, DPG for the State  
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Accused/applicant Daim Waso was admitted to interim pre-arrest bail by this Court vide order dated 11.08.2020. Thereafter the applicant/accused remained absent without any intimation, hence, such order was recalled by this Court vide order dated 18.09.2020 and the bail application was dismissed, whereas, notice u/s 514 Cr.P.C was issued against the surety. On 06.11.2020 after service, the surety through his counsel filed reply of the notice u/s 514 Cr.P.C, inter-alia, stating therein that he executed the bail bond for the above said accused for no monetary benefits, whereas, the absence of the accused Daim Waso on the relevant date was due to death of his relative, whereas, the accused has filed another Criminal Bail Application No.S-574/2020 after grant of interim pre-arrest bail the same has been confirmed by this Court.

It is contended by the learned counsel for the surety that the surety has executed bail bond on behalf of the said accused on humanitarian ground and for no monetary gain. He lastly prayed for taking lenient action against the surety.

It is contended by learned Deputy Prosecutor General for the State that the accused for whom the surety has executed bond misused the concession of interim pre-arrest bail, hence no case for lenient action against the surety is made out.

I have heard the learned counsel for the surety and learned Deputy Prosecutor General for the State and perused the record. There is no denial to the fact that the interim pre-arrest bail which was granted to said accused Daim Waso, was recalled by this Court when it was found to have been misused by him. The accused for whom the surety has executed bond after recalling of the interim pre-arrest bail order, has again approached this Court by filing Criminal Bail Application No.S-574/2020 and he has been granted pre-arrest bail vide order dated 19.10.2020, which suggests that the intention of the accused for whom the surety has executed the bond was not to remain fugitive from the law.

In such a situation, a case for taking lenient action is made- out by the surety that he has stood surety on humanitarian ground and not for gaining monetary benefits. Consequently, the surety is penalized to deposit the 50% of the surety amount *i.e.* Rs.15000/- (Fifteen thousands) with the Additional Registrar of this Court within fifteen (15) days hereof, who shall deposit the same in the Government Treasury. Office is directed to return the surety documents to the surety but prior to doing such exercise, the above directions should be followed.

Judge

ARBROHI