

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.594 of 2021.

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

Direction.

For Orders as to maintainability of Cr. Misc. Application [as per order dated 18.02.2022]

08th March, 2022.

Mr. Khalid Hussain Shar advocate for the applicant.

Heard and perused impugned order. Being relevant Para-4 of impugned order is that:

"4. Heard counsels, perused the record. After going through the entire record and contention of the both counsel I am of the view that instant application is without merits and same is liable to be dismissed. The learned defence counsel has rightly pointed out that the grounds for grant of bail and its cancellation is altogether different and once a competent court of law had granted bail to accused persons then it cannot be recalled on mere suspicion and flimsical grounds. In case of Shareef Khan Versus The State [2021 SCMR 87] it was held by Honorable Supreme Court that for cancellation of bail exceptional grounds are required such as accused had misused the concession of bail, tried to hamper the investigation, there is likelihood of absconcion of accused, accused had tried to interfere with the investigation, repeated the similar offence or fresh facts and material have been collected during the investigation which establish the guilt of accused. In the present case, learned complainant counsel have made were allegation that accused persons are tampering with the evidence but have not highlighted what piece of evidence had been tampered by them. Moreover, accused are regularly appearing before the court similarly I.O had not made any complaint regarding their interference in the investigation. Likewise there is no evidence on record produced by the prosecution or complainant that accused persons are providing any help to the absconding accused persons in order to screen them from the process of law. Moreover, the contention that accused persons are threatening the witness, I have gone through the contents of the application and even no affidavit of such witness namely Jamshed Iqbal has been filed to show that the was even threatened by the accused persons".

Admittedly applicant filed Direct Complaint which is pending for adjudication wherein respondents/accused persons appeared and submit surety. It is settled principle of law that for cancellation of bail counsel for the applicant/complainant is required to demonstrate that impugned order is shocking, perverse and illegal, which he failed to do so. Accordingly, instant Cr. Misc. Application is dismissed.

M.Zeeshan

JUDGE