

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Crl. Rev. Appl. No.S-49 of 2024*  
*Crl. Rev. App. No.S-50 of 2024*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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***For hearing of case (priority)***

- 1. For orders on office objections at flag 'A'*
- 2. For hearing of MA No.3199/2024 (S/A)*
- 3. For hearing of main case*

**04.02.2025**

Mr. Khalil Ahmed Maitlo, Additional Prosecutor General  
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None has appeared on behalf of the applicant, nor has any intimation been furnished regarding his absence. The record reflects that the applicant, through the cited Criminal Revision Applications, has impugned the order dated 08.06.2024, passed by the learned Additional Sessions Judge-III, Naushahro Feroze, in Sessions Case No. 442 of 2020 and Sessions Case No. 217 of 2020, respectively.

A perusal of the record further reveals that the applicant stood as surety for the accused Abdul Ghani, Abdul Aziz, and Abdul Ghaffar, all sons of Muhammad Sachal, in Crime No. 87/2020, registered under Sections 302, 324, 506(2), 148, and 149 of the PPC at Police Station Kandiaro, furnishing P.R. bonds in the sum of Rs. 300,000/- (Rupees three lac) each. Moreover, the applicant also provided surety for accused Abdul Ghani, son of Muhammad Sachal, in Crime No. 93/2020, registered under Section 24 of the Sindh Arms Act, 2023, at Police Station Kandiaro, executing a P.R. bond in the sum of Rs. 100,000/- (Rupees one lac).

Subsequently, the accused absconded on 17.04.2023 without any lawful justification and remained fugitives from justice. Consequently, a notice was issued to the applicant/surety. Upon due consideration and after affording an opportunity of hearing, the learned trial court passed the impugned order(s), holding the applicant/surety liable to pay the full surety amount against each accused, in accordance with the terms of the executed P.R. bonds.

The applicant/surety was under a legal obligation to ensure the production of the accused before the court but failed to discharge this duty. Notably, both the applicant/surety and the accused belong to the same caste and reside in the same village, Budhal Mangrio. Despite this proximity and association, the applicant/surety made no meaningful effort to secure the attendance of the absconding accused, as required by the learned trial court.

It is a well-established principle of law that when a court grants bail to an accused subject to the furnishing of surety bonds, and the surety subsequently fails to produce the accused as and when required, any undue leniency in penalizing the surety would not only contravene settled legal principles but would also set a precedent that encourages the non-production of accused persons released on surety bonds. In this regard, reliance is placed upon the judgments of the Honourable Supreme Court in *Ghulam Dastagir and 3 others vs. The State* (PLD 2011 Supreme Court 116) and *Ali Sher vs. The State* (2011 SCMR 929), wherein it has been consistently held that the surety undertakes a binding obligation to ensure the presence of the accused

before the court and, upon failure to do so, is liable to face the legal consequences prescribed under the law.

In view of the foregoing discussion and the case law cited *supra*, I am of the considered opinion that no valid grounds exist for this Court to interfere with the impugned order(s). The findings of the learned trial court are well-founded and in consonance with the settled principles of law. Accordingly, the orders passed by the learned trial Court are upheld, and the present Criminal Revision Applications stand **dismissed**.

*Office is directed to place the signed copy of this order in captioned connected matter.*

**J U D G E**

M. Ali\*