

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

*Criminal Misc: Application No. S-154 of 2026
Ameer Bux v. Sadaquat Ali & another.*

Date	Orders with signature of Judge
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1. For orders on office objections 'A'.
2. For hearing of main case.

22-06-2026

Mr. Abid Hussain Kalhoro, Advocate for applicant.

Mr. Mufeed Ahmed Narejo, Advocate for respondent No.1

Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General.

Ali Haider 'Ada' J:- Through this Criminal Miscellaneous Application, the applicant/complainant has challenged the order dated 30.04.2026 passed by the learned Additional Sessions Judge-IV, Dadu, whereby the ad-interim pre-arrest bail granted to respondent No.1 was confirmed. Feeling aggrieved by the said order, the applicant has filed the instant application seeking cancellation of bail.

2. Briefly stated, the prosecution case is that on 23.01.2026, accused Ali Asghar along with an unknown person was allegedly seen throwing away the dead body of the deceased, who was the son of the complainant. It subsequently transpired during the course of investigation that the deceased had allegedly been murdered by accused Ali Asghar and his co-accused after committing sodomy upon him. The F.I.R. was lodged on 24.01.2026.

3. Learned counsel for the applicant/complainant contended that respondent No.1 is directly involved in the

commission of the offence and that the learned trial Court failed to properly appreciate the material available on record while confirming his pre-arrest bail. According to him, sufficient incriminating material exists against respondent No.1 and, therefore, he is not entitled to the concession of bail. He prayed that the impugned order be set aside and the bail granted to respondent No.1 be cancelled.

4. Conversely, learned counsel for respondent No.1 supported the impugned order and submitted that the learned trial Court passed the same after properly examining the available material. He argued that the name of respondent No.1 does not appear in the F.I.R. and his alleged involvement surfaced subsequently. He further submitted that the material collected during investigation, including the contents of the USB device, does not prima facie establish any nexus of respondent No.1 with the commission of the offence. Therefore, according to him, the learned trial Court rightly exercised its discretion in confirming the pre-arrest bail.

5. Learned Deputy Prosecutor General also supported the impugned order. He submitted that the involvement of respondent No.1 was disclosed by the complainant after a lapse of about twenty days from the occurrence. He further pointed out that the USB footage collected during investigation allegedly shows respondent No.1 attending the funeral ceremony of the deceased. At that stage, neither the complainant nor any member of the complainant party raised any accusation against respondent No.1. His nomination came at a later stage, which is a circumstance that was rightly considered by the learned trial Court while confirming bail.

6. I have heard the learned counsel for the parties and examined the material available on record.

7. A perusal of the impugned order reveals that the learned trial Court passed the same after making a tentative assessment of the available material. The record reflects that the name of respondent No.1 was not mentioned in the F.I.R. even though the complainant party and respondent No.1 belong to the same locality and were admittedly acquainted with each other. The learned trial Court also considered the material collected during investigation, including the USB recording. This circumstance was considered relevant by the learned trial Court, particularly when no allegation had been levelled against respondent No.1 at that stage.

8. It is by now a settled principle of law that the considerations governing the grant of bail and cancellation of bail are entirely different. Once bail has been granted by a competent Court, the same cannot be cancelled routinely unless the impugned order is shown to be arbitrary, capricious, perverse, based on misreading or non-reading of material evidence, or unless misuse of the concession of bail is established. The scope of interference in matters relating to cancellation of bail is, therefore, quite limited.

9. In the present case, no material has been brought on record to demonstrate that the learned trial Court exercised its discretion arbitrarily or ignored any material piece of evidence while confirming the bail of respondent No.1. Nor has any allegation been made that respondent No.1 has misused the concession of bail after its confirmation.

10. For the foregoing reasons, I do not find any legal infirmity or jurisdictional defect in the impugned order warranting interference by this Court. Consequently, the instant Criminal Miscellaneous Application is dismissed.

JUDGE