

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Misc. Application No.S-841 of 2025

[Danish Mehmood vs. Aamir Muneer and Others]

Applicant by : Mr. Abdul Haque Qureshi advocate
Respondents by : Mr. Shafi Muhammad Jiskani advocate
State by : Ms. Rameshan Oad D.P.G
Date of Hearing : **07.05.2026**
Date of Decision : **07.05.2026**

ORDER

SYED FIAZ-UL-HASSAN SHAH, J:- Applicant/complainant seeks cancelation of pre-arrest bail granted to the accused/respondents by the trial Court in Crime No.205 of 2025 registered under Section 452, 380, 506 and 34 PPC at P.S B-Section Hyderabad.

2. Learned counsel for the applicant/complainant contends that respondent No.2/accused Hina Muneer married with son of complainant namely Nouraz Danish, who is residing in Thailand. He further contends that on 06.10.2025 at about 1630 hours respondent No.2 alongwith her sister respondent No.3 Nazia and brother respondent No.1 Aamir Muneer forcibly entered into the house of the complainant [*father-in-law*] and stolen two gold sets weighing 05 tola, 12 pairs of female clothes, turban with sherwani, 5/6 pairs of male clothes, cash amount of Rs.8,50,000/- and 2300 dollars and subsequently on 12.10.2025 respondent No.1 issued threats to complainant on phone. He relied upon the photographs annexed with the memo of bail application and states that incident is conspicuous, therefore, the bail is liable to be cancelled.

3. On the other hand counsel for the respondents denied the incident and states that the husband of respondent No.2/accused Hina Muneer is

residing in Thailand and till date no divorce is registered with the Union Council concerned. He further states that respondent No.2 visited the house with permission and took her personal belongings in presence of wife of the complainant.

4. Learned Deputy Prosecutor General states that respondent No.2 has already filed a suit for recovery of dowry articles and there is no justification to forcibly enter into the premises of the complainant. She, however, submits that stolen articles have not been recovered, as the respondents/accused obtained pre-arrest bail.

5. Arguments heard and record perused.

6. It is not disputed that the parties are relatives and the son of complainant is the husband of respondent No.2/accused Hina Muneer. Although the complainant claimed that divorce has taken place but no valid certificate of Union Council concerned has been produced. In view of such deficiency only possibility created in prudent mind is that the contentions of learned counsel for the respondents carry weight, as the said fact is to be decided by the Family Court, as to whether divorce has taken place or otherwise or dowry articles are liable to be returned or otherwise.

7. Amazingly, from the perusal of the photographs attached by the applicant/complainant including the pictures of his wife, no sign or mark of resistance is apparent when the articles were allegedly being stolen. In presence of such photographs, annexed himself by the applicant/complainant and contention of respondents that they had gone to collect personal belongings with permission, this Court draws an adverse inference against the complainant that in the event the respondents/accused attempted to take away the articles, as alleged in

the FIR, it ought to have been resisted and some obstruction must be shown as natural human reaction. The principle settled by the superior Courts is altogether different while deciding application for cancellation of bail in terms of Section 497(5) Cr.P.C that when the discretion has been exercised by the trial Court only extraordinary circumstances require to interference with the same.

8. No ground for cancellation of bail is made out. Accordingly, this criminal miscellaneous application is dismissed.

9. The trial Court shall not influence with the observation made hereinabove and decide the case on its own merits.

JUDGE