

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Miscellaneous Application No.S-479 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: Subhan Ali son of Muhammad Siddique by caste Labano **Through Mr. Ali Asghar Panhiyar Advocate.**

Respondent No.1: Gul Shah Jahan @ Shah Jahan son of Allah Dino by caste Labano, through **Mr. Muhammad Tarique Panhwar Advocate**

The State: **Through Mr. Shafi Muhammad Mahar D.PG.**

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Date of hearing & order: **01.10.2026.**

Suresh Kumar J:- Through instant Crl. Misc. application, applicant/complainant Subhan Ali seeks cancellation of bail under section 497(5) Cr.P.C of respondent/accused Gul Shah Jahan @ Shah Jahan granted, by learned trial Court in Crime No.291 of 2025 for offences U/Ss 302,114,147,148,149 PPC rgiste4redat Police Station A-Section Ghotki.

2. Concisely, the facts leading to this application are that on 24.09.2025, at 1700 hours, applicant/complainant Subhan Ali lodged an FIR alleging that on 20.09.2025, in the evening, his son Ihsan, brother-in-law Muhammad Murad, and uncle Muhammad Mithal were standing outside their house at 5:30 p.m. The accused Allahdino, armed with a lathi, Ali Jan with a pistol, Jameel with a Kalashnikov, Zubair Ahmad with a pistol, and Shah Jehan with a lathi, approached along with one unknown person. Upon their arrival, accused Allahdino instigated the other accused to murder the complainant's party. Subsequently, accused Jameel fired from the Kalashnikov at Ihsan Ali, while accused Zubair also fired from a pistol at him, and accused Ali Jan fired from a pistol, which struck Ihsan Ali. The accused then caused injuries with lathis, kicks, and fist blows before fleeing the scene. The injured were then

taken to a medical facility after obtaining a letter, and subsequently, they went to the police station to lodge the FIR.

3. The applicant initially applied for grant of post arrest bail, which was granted vide order dated 28.10.2025 by learned Additional Sessions Judge-I (MCTC) Ghotki. Being aggrieved by this dismissal order, the applicant/complainant has approached this Court.

4. I have heard learned counsel for applicant/complainant, and learned D.P.G Sindh at length, so also learned counsel for respondent/accused. Learned D.P.G and learned counsel for respondent/accused have strongly opposed the grant of application.

5. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned DPG, as well as the learned counsel for the respondent/accused, it is revealed from the perusal of the record that the respondent/accused was granted post-arrest bail on the ground that no injury was caused to the deceased, although he allegedly caused a lathi blow to the applicant/complainant at the time of the incident. The learned counsel for the applicant/complainant has contended that the respondent/accused has mis-used the concession of bail and issued threats to him, resulting in the registration of an FIR bearing Crime No.334/2025 at PS A-Section Ghotki, therefore, his bail application may be cancelled. From the perusal of the FIR bearing Crime No.334/2025 lodged by the applicant/complainant, it is evident that it was registered on 21.11.2025 while cancellation bail application was filed on 11.6.2026 after delay of about seven months and no independent witness has been cited regarding the alleged threats issued by the respondent/accused to the complainant. Furthermore, the story mentioned in the above referred FIR indicates that the applicant/complainant has alleged that the respondent/accused, along with co-accused, went to the Otaq of the complainant party to pressurize them to

withdraw the case, which is unbelievable, particularly in the instant case where there is a murderous dispute between the parties. It is well-settled law that once bail has been granted by a competent court of law, strong and exceptional grounds are required for the cancellation of the bail. Reliance is placed on the case of Muhammad Azhar v. Dilawar and others (2010 PLJ 465). In the case of Chairman NAB through Anti-Narcotics v. Khalid Sharif and others (2006 PLJ 422), it was held that an order granting bail is liable to be cancelled where it is perverse on the face of the record and when the court embarks on an inquiry having substantive available evidence. In the present case, no substantive material is brought on record for the cancellation of the bail of the respondent/accused.

6. For the foregoing reasons and guidance taken from the above case law, I am of the considered view that applicant/complainant has failed to make out case for cancellation of post arrest bail granted to respondent/accused. Consequently, instant Criminal Miscellaneous Application U/S 497(5) Cr.P.C is dismissed.

JUDGE

Hizbullah