

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Miscellaneous Application No.S-299 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Talib Hussain S/O Amanullah Rajper,
Through Mr.Akhtar Ali Bhirejo, Advocate.

Respondent No.2: Mumtaz Hussain S/O Mehar Khan Rajper.
Through Mr. Saqib Iqbal Rajper, Advocate

The State: Through Mr. Khalil Ahmed Maitlo, D.PG.

Date of hearing & order: 26.10.2026.

Suresh Kumar J:- Through instant Crl. Misc. application, applicant/ complainant Talib Hussain Rajper seeks cancellation of bail under section 497(5) Cr.P.C, granted to respondent No.2/accused Mumtaz Hussain Rajper vide order dated 20.04.2026, by learned trial Court/2nd Additional Sessions Judge Naushahro Feroze in Crime No.57/2026 PS Padidan for offences U/Ss 376,365,342PPC & S.03 TIP, registered at PS Padidan District Naushahro Feroze.

2. The facts leading to this application are as follows: On 27 March 2026, the applicant/complainant, Talib Hussain, lodged an FIR, stating that respondent No. 2/accused, Mumtaz Ali, a relative, came to his house accompanied by two unknown individuals and kidnapped his niece, Mst. Reema, wife of Asadullah Rajper, at gunpoint with the intent to commit zina. The following day, she returned and disclosed that the accused, Mumtaz, had committed zina with her while detaining her at an undisclosed location, from which she managed to escape. Subsequently, he went to the police station to lodge the FIR.

3. The respondent No.2/accused Mumtaz applied for grant of bail before arrest, which was granted to him vide order dated 20.04.2026 by learned

Additional Sessions Judge-II, Naushahro Feroze. Being aggrieved by the said order, the applicant/complainant has approached this Court.

4. I have heard the learned counsel for the applicant/complainant, the learned Deputy Prosecutor General of Sindh at length, as well as the learned counsel for the respondent/accused. The learned Deputy Prosecutor General and the learned counsel for the respondent/accused have strongly opposed the grant of the application.

5. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned Deputy Prosecutor General, 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 pre-arrest bail on the grounds of a six-day delay in lodging the FIR and the absence of marks of violence in the medical legal certificate (MLC) of the victim. The learned counsel for the applicant contended that after the grant of bail, the alleged victim, in her statement recorded under Section 164 of the Cr.P.C, has implicated the accused. The veracity of such a statement made by the victim under Section 164 Cr.P.C is yet to be adjudged during the course of the trial, particularly regarding whether it inspires confidence, especially when the medical evidence does not support the allegations and is, in fact, negative. The learned counsel for the applicant/complainant has contended that the respondent/accused has misused the concession of bail and issued threats to him; therefore, his bail application may be cancelled. Upon reviewing the record, it reveals that the applicant/complainant has produced no evidence regarding the allegations of misuse of the liberty granted by the trial court through the concession of bail. Consequently, the allegations are deemed unbelievable, particularly in light of the matrimonial 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 bail, which are lacking in the present case. 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 pre-arrest bail granted to respondent/accused. Consequently, instant Criminal Miscellaneous Application U/S 497(5) Cr.P.C is dismissed.

JUDGE

Hizbullah