

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Misc. Application No.S- 496 of 2026

Applicant : Muhammad Achar Chohan through Mr.
Shafique Ahmed Khan, Advocate.

Date of Hearing : 24-08-2026

Date of Order : 24-08-2026

ORDER

TASNEEM SULTANA, J.- Through the instant criminal miscellaneous application, filed under Section 497(5), Cr.P.C., the applicant/complainant Muhammad Achar seeks cancellation of post-arrest bail granted to respondent No.1 Abdul Khalique by the learned II-Additional Sessions Judge, Sukkur, in Criminal Bail Application No.1520 of 2026, vide order dated 04.07.2026, arising out of Crime No.214 of 2026, registered at Police Station “C” Section, Sukkur, for offences under Sections 324, 452, 337-A(i), 337-F(i), 504, 114 and 148, PPC.

2. Briefly, the prosecution case, as set out in the FIR, is that on 02.06.2026, at about 06:00 a.m., five accused persons forcibly entered the house of the complainant while armed with weapons. Respondent No.1 Abdul Khalique, who was allegedly armed with an iron rod, is attributed the role of causing a blow to the complainant’s mother, Mst. Mai Khairan, on her left elbow and further blows on other parts of her body. Co-accused Abdul Samad is alleged to have caused a pistol-butt blow to the complainant’s sister, Imamzadi, while the remaining accused caused lathi, kick and fist blows. The FIR was lodged on 18.06.2026.

3. Learned counsel for the applicant/complainant contended that respondent No.1 is specifically nominated in the FIR with a definite role; that the final supplementary medical report records fracture with dislocation of the left radius and ulna and declares the injury as Ghair-Jaifah Munaqillah; that the learned Court below failed to properly appreciate the specific role attributed to respondent No.1 and the medical material available on record; that Section 324, PPC attracts the prohibitory clause of Section 497(1), Cr.P.C.; and that the impugned order granting bail is liable to be set aside.

4. Heard learned counsel for the applicant and perused the material available on record.

5. It is settled that considerations governing grant of bail and those governing cancellation of bail stand on different footing. Once bail has been granted by a competent Court, the concession is not to be recalled merely because another view of the material may also be possible. Interference under Section 497(5), Cr.P.C. is called for where the bail granting order is shown to be patently illegal, erroneous, arbitrary or perverse resulting in miscarriage of justice, or where the accused has subsequently misused the concession extended to him.

6. In the case of Sami Ullah and another v. Laiq Zada and another (2020 SCMR 1115), the Hon'ble Supreme Court of Pakistan has held that bail granted to an accused can be recalled in the following circumstances: -

“i) If the bail granting order is patently illegal, erroneous, factually incorrect and has resulted in miscarriage of justice.

ii) That the accused has misused the concession of bail in any manner.

iii) That accused has tried to hamper prosecution evidence by persuading/pressurizing prosecution witnesses.

iv) That there is likelihood of absconsion of the accused beyond the jurisdiction of Court.

v) That the accused has attempted to interfere with the smooth course of investigation.

vi) That accused has misused his liberty while indulging into similar offence.

vii) That some fresh facts and material has been collected during the course of investigation with tends to establish guilt of the accused.”

7. Examined in the light of the above principles, the impugned order shows that the learned Court below, while extending the concession of bail to respondent No.1, took into consideration the delay of about sixteen days in lodging the FIR and also observed that the applicability of Section 324, PPC would require determination after recording of evidence. On the material then available before it, the case was found to call for further inquiry within the meaning of Section 497(2), Cr.P.C. The concession of

bail was, therefore, extended upon consideration of circumstances emerging from the record.

8. The applicant, however, principally relies upon the specific role attributed to respondent No.1 and the final supplementary medical report, which records fracture with dislocation of the left radius and ulna and declares the injury as Ghair-Jaifah Munaqillah. The medical material supports the allegation that hurt was sustained by the injured and is a relevant circumstance in the prosecution case. At the same time, the injury attributed to respondent No.1 is on the left elbow/forearm, and whether, in the circumstances alleged in the FIR, the requisite intention or knowledge so as to attract Section 324, PPC is made out would ultimately depend upon the evidence produced before the trial Court. Although Section 324, PPC attracts the prohibitory clause of Section 497(1), Cr.P.C., that circumstance, by itself, does not furnish a ground for cancellation of bail where the case has otherwise been considered one involving further inquiry.

9. The matter is thus to be examined within the parameters governing cancellation of bail and not by undertaking a fresh appraisal of the material as if the bail application were being heard afresh. Nothing has been pointed out from the record to show that the discretion exercised by the learned Court below was based upon irrelevant considerations or that the impugned order is patently illegal, arbitrary or perverse so as to have resulted in miscarriage of justice. The grounds urged by the applicant essentially seek a different appreciation of the same allegations and medical material, which is not, by itself, sufficient for recalling the concession already extended by a competent Court.

10. There is also no material to show that, after his release on bail, respondent No.1 has misused the concession, attempted to abscond, tampered with the prosecution evidence, pressurized the complainant or any prosecution witness, interfered with the proceedings, or otherwise acted in a manner falling within any of the recognized grounds for cancellation of bail. Mere apprehension that the concession may be misused, without supporting material showing any actual misuse, is not sufficient for recalling bail already granted.

11. In view of the above facts and circumstances, no ground for cancellation of bail within the parameters laid down by the Hon'ble Supreme Court in Sami Ullah's case has been made out. Consequently, the instant Criminal Miscellaneous Application along with pending application(s), if any, is **dismissed** in *limine*.

12. Needless to mention that the observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

J U D G E

Ahmad