

ORDER SHEET
THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 156 of 2026

Date of hearing	Order with signature of Judge
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For directions

24.08.2026

Surety, Abdul Majeed Phulpoto, present in person.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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ARBAB ALI HAKRO J. – By order dated 02.06.2026, the applicant’s interim pre-arrest bail was recalled and the bail bond forfeited after he repeatedly failed to appear. Consequently, notice under section 514 of the Cr.P.C. was issued to the surety. Despite service and a further opportunity, the surety did not initially appear; bailable warrants in the sum of Rs.50,000/- were therefore issued on 29.06.2026. On 27.07.2026, he appeared and, as a last opportunity, was allowed to submit his reply and secure the applicant’s attendance before the learned trial Court.

2. Today, the surety has filed a statement supported by an affidavit. He states that he furnished surety of Rs.200,000/- on humanitarian grounds from his own resources; that the accused has gone to an unknown place despite a search; that he neither facilitated nor intended the accused’s disappearance; and that, having appeared pursuant to the bailable warrants, he seeks discharge and the return of the security.

3. I have considered the explanation and examined the record. Under section 514(1), Cr.P.C., once the forfeiture of a bond is proved, the Court is required to record the grounds and may call upon the person bound by the bond either to pay the penalty or to show cause why it should not be paid. If sufficient cause is not shown, recovery may follow in the manner prescribed by subsections (2) to (4). Subsection (5), however, expressly preserves judicial discretion to remit any portion of the penalty and to enforce payment only in part.

4. A surety does not merely undertake to make an effort; he undertakes to secure the accused’s attendance in accordance with the

bond. The subsequent disappearance of the accused, without more, does not erase the breach. At the same time, forfeiture proceedings are not intended to operate mechanically or vindictively. The Supreme Court has required a balance between undue leniency, which may encourage abuse of bail, and undue severity, which may deter responsible persons from standing surety: **Dildar and another v. The State (PLD 1963 SC 47)**, followed in **Zeeshan Kazmi v. The State (PLD 1997 SC 406)**.

5. This Court, in the case of Akhtiar Ali v. The State, Criminal Revision Application No. S-05 of 2021, decided on 13.01.2022, likewise treated compliance with section 514 as essential and recognized that the amount ultimately enforced depends on the circumstances after notice and an opportunity of hearing. The power of remission is therefore to be exercised on stated reasons, not as an automatic consequence of a plea of poverty or benevolence.

6. In the present matter, the bond stood forfeited for a proved breach; the applicant remains at large; and the surety, despite repeated opportunities, has not produced him. The explanation does not constitute sufficient cause for complete exoneration or the immediate return of the entire security. Nevertheless, the surety has now submitted to the process of the Court, filed an affidavit, and no material is presently before the Court showing collusion, monetary gain, or active assistance in the applicant's abscondence. These circumstances justify limited remission, but not total discharge from the consequences of the bond.

7. Accordingly, in exercise of the discretion conferred by section 514(5), Cr.P.C., the penalty of the bond is remitted to the extent of Rs.150,000/-, and a sum of Rs.50,000/- is ordered to be enforced against the surety. He shall deposit the said amount with the Additional Registrar of this Court within thirty (30) days. Upon deposit, the balance security shall be released to him after due verification, subject to there being no other lawful restraint. The bailable warrants issued against the surety are recalled in view of his appearance.

8. If the amount is not deposited within the stipulated period, the office shall place the matter before the Court for recovery strictly in accordance with the sequence and manner provided by sections 514(2) to (4), Cr.P.C. The police and the learned trial Court shall continue lawful efforts to secure the arrest of the applicant/accused. Nothing in this order shall be construed as a restoration or extension of the interim pre-arrest bail recalled on 02.06.2026.

9. The **show-cause proceedings** are **disposed of** in the above terms.

J U D G E

Abdul Basit