ORDER SHEET

THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.991 of 2026

Date: Order with signature(s) of the Judge(s)

For Hearing of Case.

21st October, 2026.

M/s. Muhammad Sadiq Khoso and Asif Ali Khoso advocates for the applicant.
Mr. Sharafuddin Kanhar, APG.

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Learned counsel for the applicant has filed the instant Cr. Misc. Application challenging the order dated 17.09.2026, whereby the application seeking reduction of the surety amount, filed on behalf of the accused through the present applicant, his father, was partly allowed by the learned trial Court.

Learned counsel for the applicant submits that the accused Sajjad son of Muhammad Mithal was admitted to post-arrest bail vide order dated 25.08.2026 passed by the learned Additional Sessions Judge-III, Malir at Karachi subject to furnishing solvent surety in the sum of Rs.10,00,000/-. He further submits that owing to his limited financial means, the applicant, being the father of the accused was unable to arrange the requisite surety amount and accordingly, moved an application before the learned trial Court seeking reduction of the surety amount from Rs.10,00,000/- to Rs.1,00,000/-. However, the learned trial Court, vide the impugned order dated 17.09.2026, partly allowed the application by reducing the surety amount to Rs.7,00,000/-.

Learned counsel further submits that the reduced amount is still beyond the financial capacity of the applicant and, therefore, the concession of bail granted to the accused is being rendered ineffective on account of his inability to furnish the requisite surety. He accordingly prays that the surety amount be reduced to Rs.1,00,000/-.

Conversely, learned Assistant Prosecutor General, Sindh, has formally opposed the request made by learned counsel for the applicant.

I have heard learned counsel for the applicant and the learned APG for the State and have perused the impugned order and the available record.

The object of furnishing surety in bail proceedings is to secure the attendance of the accused before the Court and to ensure compliance with the conditions of bail, rather than to impose an onerous financial burden upon the accused or his surety.

It is a settled principle that the amount of surety must be reasonable and commensurate with the circumstances of the case. The condition of bail should not be so onerous as to frustrate, in effect, the concession of bail already granted. While determining the appropriate amount of surety, the Court must strike a balance between ensuring the attendance of the accused and taking into account the financial capacity of the person furnishing the surety.

In the present case, the applicant has expressed his inability to arrange the surety amount fixed by the learned trial Court, even after its partial reduction from Rs.10,00,000/- to Rs.7,00,000/-. Having regard to the submissions advanced by learned counsel, the circumstances placed before this Court, and the object underlying the requirement of surety, I am of the view that the surety amount requires further reduction to a reasonable level so that the concession of bail granted to the accused is not rendered illusory. Such reduction, however, shall not dispense with the requirement of furnishing solvent surety or the obligation of the accused to appear before the learned trial Court as and when required.

For the foregoing reasons, the instant Cr. Misc. Application is allowed. The impugned order dated 17.09.2026 is modified and the surety amount required to be furnished by the accused Sajjad son of Muhammad Mithal is reduced from Rs.10,00,000/- to Rs.1,00,000/-, subject to furnishing solvent surety in the like amount to the satisfaction of the learned trial Court. The remaining conditions imposed in the order granting bail shall remain intact.

JUDGE

M.Zeeshan