ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Misc: Application No.S-327 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)

1. For orders on office objection (s)
2. For hearing of main case

11.11.2026

Mr.Irfan Ali Talpur, D.P.G for the State

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None present for the applicant and no intimation has been received. The same was the position on the last date of hearing. The record has, therefore, been perused with the assistance of the learned D.P.G.

Through this application under section 497(5) Cr.P.C., the applicant/complainant seeks cancellation of the pre-arrest bail confirmed to respondent Sajjad Hussain by the learned II-Additional Sessions Judge, Badin, vide order dated 12.05.2026 passed in Criminal Bail Application No.790 of 2026, arising out of Crime No.67 of 2026 registered at Police Station Khoski, District Badin, under sections 376 and 337-J PPC.

The allegation in the FIR, briefly, is that on 29.04.2026 the complainant, who was pursuing the unpaid sale price of a piece of land, accompanied the respondent to his quarter at Khoski Sugar Mill Colony, where he gave her an intoxicant in a soft drink and committed zina with her while she was unconscious.

The considerations for cancellation of bail are distinct from those for its grant. Once bail has been allowed by a court of competent jurisdiction, strong and exceptional grounds are needed to recall it. The applicant has to show either that the order is perverse, arbitrary or passed in disregard of the record or that the accused has misused the concession by tampering with the prosecution evidence, intimidating the witnesses, absconding or repeating the offence.

Neither is made out here. Learned Additional Sessions Judge confirmed the bail on a tentative assessment of the material in the police file, holding the case to be one of further inquiry under section 497(2) Cr.P.C.; that view cannot be called perverse or arbitrary. The grievance that the complainant went unheard is not borne out, as the order itself records the submissions of her counsel. The plea that the

respondent is harassing the witnesses and extending threats is a bare assertion; no date, no particular and no complaint made to any forum has been placed on record, nor is there any material to show that he is a habitual offender. It has also been reported by the learned II-Additional Sessions Judge, Badin, that on conclusion of the investigation the police have submitted the final report recommending disposal of the case in 'B' class.

No ground for cancellation of bail within the meaning of section 497(5) Cr.P.C. having been shown, the application is **dismissed**. The observations made above are tentative and shall not influence the court seized of the final report or the trial court, as the case may be.

JUDGE

AHSAN K. ABRO