THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Misc. Application No.S-748 of 2026

Applicant	:	Sikandar Ali Dhoundu Through Mr. Abdul Sattar Thaheem, Advocate.
Date of Hearing	:	**16-11-2026**
Date of Order	:	**16-11-2026**

O R D E R

TASNEEM SULTANA, J.- Through the instant Criminal Miscellaneous Application under Section 497(5), Cr.P.C., the applicant/complainant Sikandar Ali seeks cancellation of pre-arrest bail granted to the private respondents, namely Abdul Lateef, Shazad Ali @ Shahzad, Muhammad Aslam @ Aslam and Raheem Bux, by the learned Additional Sessions Judge-III, Ghotki, vide order dated 10.10.2026 in Criminal Bail Application No.2277 of 2026, arising out of Crime No.37 of 2026, registered at Police Station Reti, District Ghotki, for offences under Sections 337-F(v), 337-A(i), 337-L(ii), 506/2, 504, 355, 148 and 149, PPC.

2. Brief facts of the prosecution case are that a dispute had arisen between the complainant party and the accused persons over the stoppage of irrigation water. According to the complainant, on 06.08.2026, at about 7:00 p.m., he, along with his brother Qadir Bux and nephew Zulfiqar Ali, was returning home on a motorcycle when they reached Main Chowk, Village Kehar Khan Dahar, where accused Asghar Ali, Abdul Lateef and Shazad, armed with lathis, Muhammad Aslam, armed with a hatchet, and Raheem Bux, armed with a pistol, intercepted and surrounded them. It is alleged that Asghar Ali abused the complainant party and, upon being asked to desist, inflicted a lathi blow on the left shoulder of Qadir Bux; that Muhammad Aslam struck Qadir Bux on the head with the butt of his hatchet; and that Abdul Lateef and Shazad inflicted lathi blows on his backside. Abdul Lateef allegedly took out a bottle of black oil and poured it over the face and head of the injured. The complainant further alleged that he and his nephew brought the Holy Quran from a mosque and appealed to the accused persons, whereupon Raheem Bux pointed his pistol at them and threatened to kill them if they did not settle the

dispute. Thereafter, the accused persons left the place of occurrence. The injured was taken to the police station for a letter of treatment and subsequently to Taluka Hospital, Daharki, from where he was referred to GMMC, Sukkur. The complainant stated that, after obtaining the medico-legal certificate dated 17.08.2026, he appeared at the police station and lodged the FIR on 30.08.2026.

3. Learned counsel for the applicant/complainant contends that the private respondents are specifically nominated in the FIR and have been assigned distinct roles in the occurrence; that the learned Additional Sessions Judge failed to appreciate the allegations against them and confirmed their pre-arrest bail without properly considering the merits of the case; that the impugned order was passed in haste and without application of judicial mind; and that, after confirmation of bail, the private respondents have been continuously threatening the complainant to withdraw from the case, failing which he would be murdered. He, therefore, prays for cancellation of the pre-arrest bail granted to the private respondents.

4. Heard. Record perused.

5. The principles governing cancellation of bail are well settled. The considerations for cancellation of bail are different from those which govern its grant. Once bail has been granted by a competent Court, the concession is not to be recalled merely because another view of the material available on record may also be possible. In Sami Ullah and another v. Laiq Zada and another (**2020 SCMR 1115**), the Hon'ble Supreme Court of Pakistan has laid down the following principles governing cancellation of bail: -

> i) **If the bail granting order is patently illegal, erroneous, factually incorrect and has resulted into miscarriage of justice.**
>
> **ii) That the accused has misused the concession of bail in any manner.**
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> **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 misused his liberty while indulging into similar offence.

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

6. It appears from the impugned order that the learned Additional Sessions Judge drew a distinction between the injury attributed to Asghar Ali and the acts alleged against the private respondents. The learned Court observed that the injury attracting Section 337-F(v), PPC, was attributed to Asghar Ali, whereas the question of common object in relation to the remaining accused required evidence. The order also records the submission of their counsel that they had joined the investigation. On that basis, the interim pre-arrest bail of the private respondents was confirmed, while the same relief was declined to Asghar Ali in view of the injury attributed to him and its medical corroboration.

7. The question, therefore, is whether that assessment warrants interference in proceedings for cancellation of bail. The applicant has reiterated the roles assigned to the private respondents but has not shown any material misreading or non-reading of the record, or any legal infirmity in the assessment of their alleged common object, which renders the impugned order patently erroneous and results in miscarriage of justice. Their individual acts and any liability arising under Section 149, PPC, remain open to determination at trial. On the material placed before this Court, a different assessment of the same allegations would not constitute sufficient ground for recalling the concession already granted.

8. As to the contention that the impugned order was passed in haste, the record reflects that interim pre-arrest bail was granted on 09.10.2026 and the application was decided on 10.10.2026. The brief interval between the two orders does not establish non-application of judicial mind. Although the reasons concerning the private respondents are concise, they disclose why the learned Court distinguished their cases from that of Asghar Ali. No procedural irregularity or material omission has been identified which would render the order liable to interference merely because the application was decided on the following day.

9. The allegation of threats after confirmation of bail stands on a different footing, as intimidation of the complainant may amount to misuse of the concession. The application, however, gives no date, place or particulars of any such incident, and no supporting material is available in the record placed before this Court. The threat attributed to Raheem Bux in the FIR relates to the occurrence itself and does not, by itself, substantiate the separate allegation that the private respondents intimidated the complainant after obtaining bail. In the absence of particulars or supporting material, that allegation does not furnish a sufficient ground for cancellation.

10. In the circumstances discussed above, the impugned order does not suffer from any such illegality, arbitrariness or factual error as would warrant interference under Section 497(5), Cr.P.C. The grounds urged by the applicant do not justify recalling the concession of bail already granted to the private respondents, nor has any misuse of that concession been established. Consequently, the instant Criminal Miscellaneous Application along with pending application(s), if any, is **dismissed** in *limine.*

J U D G E

Ahmad