

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

Present:
Mr. Justice Munib Akhtar
Mr. Justice Yahya Afridi

CRIMINAL PETITION NO. 695 OF 2018
(On appeal from the judgment dated 29.6.2018 passed by the High Court of Sindh at Sukkar in CrMisc. Application No. D-187/2018)

Burhan Chandio ... Petitioner (s)

vs.

The State and another ... Respondent (s)

For the Petitioner (s) : Sardar Muhammad Latif Khan Khosa, Sr. ASC
a/w petitioner

Respondents: N.R.

: 04.07.2018.

Date of hearing

ORDER

Munib Akhtar, J.: The petitioner is present along with learned counsel and we have heard learned counsel at some length. Learned counsel presses his application seeking suspension of the judgment of the learned High Court and for the grant of ad-interim pre-arrest bail. We may note that the petitioner is nominated accused in FIR No.20/2018 registered at PS Mehr-Dadu and he was granted ad-interim pre-arrest bail by the Trial Court which was confirmed by the said Court vide order dated 24.2.2018. Against this the complainant party approached the learned High Court which by means of the impugned judgment dated 29.6.2018 set aside the order of the Trial Court insofar as the petitioner before is concerned and further directed to ensure that the petitioner be arrested and produced before the Court of law.

2. We have considered the matter. It appears to us *prima facie* that perhaps a general question of some importance arises out of these proceedings, namely, as to whether the well known principles that regulate the cancellation of post arrest bail u/s 497(5) Cr.P.C. are the very same principles that ought to regulate the cancellation of pre-arrest bail that has been confirmed. (Learned counsel quite rightly points out that this is the only provision under which pre-arrest bail can be cancelled.) Learned counsel has referred us to a number of authorities. The principles that regulate the grant of pre-arrest bail are admittedly

ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad