**SUPREME COURT OF PAKISTAN**
(Appellate Jurisdiction)

**Present:**

Justice Muhammad Ali Mazhar
Justice Irfan Saadat Khan

**Crl.P.L.A.No.207-K of 2025**
Against the Order dated 20.10.2025 passed by the High Court of Sindh, Circuit Court, Larkana in Criminal Bail Application No.S-277/2025

Ali Asghar Khokhar ...Petitioner

***Versus***

Anwar Ali Kori and others ...Respondents

| | |
|---|---|
| For the Petitioner | In person |
| For Respondent No.1: | In person |
| For Respondent No.2. | Mr. Saleem Akhtar Barriro, Addl. P.G. |
| Date of Hearing: | 05.08.2026 |

## ORDER

**Muhammad Ali Mazhar, J:-** By means of this Criminal Petition, the petitioner has sought the cancellation of bail granted to Respondent No.1 by the High Court of Sindh, Circuit Court, Larkana vide order dated 20.10.2025 in Criminal Bail Application No.S-277/2025 arising out of First Information Report **(FIR)** No.03/2025 lodged under Sections 336, 337-L (i), (ii), 506 & 34 of Pakistan Penal Code, 1860 **(PPC)** at Police Station, Rehmatpur, District Larkana.

2. According to the minutiae of the FIR, the complainant is a resident of Khuhawar Street, Khokhar Chowk, Nazar Mohalla Larkana. The allegation is that the co-accused persons (WAPDA officials) including the respondent No.1 are supplying electricity to the people in their shops by leading a special line from the disposal phase who crossed the electric line over the

shops of the complainant. On 03.03.2024 at about 1.30 PM, the complainant, his brother Noor Hussain, his son Ali Raza and his nephew Ihsan Ali were standing and saw that PVC wire broke/unplugged which converged with high tension wire and electrocuted the complainant's brother Noor Husain. Since police officials did not provide him medical reference letter for treatment, therefore, the complainant brought him first at Trauma Centre and thereafter to Burns Centre Karachi, where he was under treatment. After registration of FIR, police conducted investigation and submitted the Report under Section 173 Cr.P.C.

3. The complainant appeared in person and argued that the respondent No.1 moved bail application under Section 498 Cr.P.C. for grant of pre-arrest bail before the learned 1st Addl. Sessions Judge, Larkana but the bail application was dismissed vide Order dated 30.01.2025. The complainant has sought cancellation of pre-arrest bail granted to the respondent No.1 which was confirmed by the High Court on 20.10.2025. He further argued that the High Court granted bail without examining all the facts as well as the incriminating material collected by the Investigation Officer.

4. The learned Addl. P.G could not controvert the delay of nine months in lodging FIR, however, he argued that according to the facts, the accused persons and the complainant are all involved in the theft of electricity. So far as the bail granting order is concerned, he averred that the learned High Court granted bail after considering all relevant facts and rightly observed that the case requires further inquiry.

5. Heard the arguments. In fact, the learned High Court granted bail predominantly on the ground of delay of 09 months in lodging the FIR as no plausible explanation was

furnished by the complainant. It was further noted by the High Court that the role assigned against the respondent No.1 is of negligence and the respondent No.1 also pleaded before High Court that he was implicated in the case with malafide intention, otherwise he has no role to play. Furthermore, the order of High Court also reflects the statement of I.O, who stated that respondent No.1 had no contact with WAPDA Officials. On considering all relevant factors, the learned judge reached to the tentative assessment that the allegations levelled in the FIR require further inquiry and confirmed the bail order.

6. The petitioner lodged the FIR under Section 336, 337-L (i), (ii), 506 & 34 of PPC. If we look into the exactitudes of Section 336, it is germane to “itlaf-i-salahiyyat-i-udw”, by doing any act with the intention of causing hurt to any person, or with the knowledge that he is likely to cause hurt to any person and provides the punishment for qisas and if the qisas is not executable, the offender shall be liable to arsh and may also be punished with imprisonment of either description for a term which may extend to ten years as tazir. Whereas 337L, relates to the punishment for other hurt which endangers life or which causes the sufferer to remain in severe bodily pain for twenty days or more or renders him unable to follow his ordinary pursuits for twenty days or more, shall be liable to daman and also be punished with imprisonment of either description for a term which may extend to seven years. So far as Section 506 is concerned it is primarily related to the punishment for criminal intimidation. Last but not least, Section 34 interrelates the acts done by several persons in furtherance of the common intention of all, for which each such person is liable for that act in the same manner as if it were done by him alone. We are also of the view that the case

requires further inquiry and unless a full-dress trial is conducted by the Trial Court, the role and guilt of accused persons implicated in the case cannot be proved.

7. The grant of bail and its cancellation, both are regulated by different legal principles. Once an accused person is clothed with free life, his liberty cannot be truncated perfunctorily or on implausible justifications. The yardstick for the cancellation of bail under Section 497 (5) of the Cr.P.C are characterized into two fundamental scaffoldings such as that the bail was granted in violation of mandatory statutory provisions or established legal principles; ignoring overwhelming incriminating material; prompted by factors incongruent to the judicial norms of a tentative assessment or failing to rationalize a case of further inquiry; substantial and supportable evidence is available to demonstrate that the accused has abused or misused the concession of bail; intensely making efforts to alter, hide, or destroy prosecution materials or pressuring, coercing, or intimidating victims and prosecution witnesses. By and large, this Court does not interfere with bail granting orders of the High Court unless the discretion exercised by the High Court seems to be fanciful, arbitrary, or outside the precise bounds established by dint of judicial precedents for granting pre-arrest or post-arrest bail.

8. This Court in various dictums including those laid down in the case of Sami Ullah v. Laiq Zada **(2020 SCMR 1115)**, Sharif Khan v. State **(2021 SCMR 87)** and Zafar Iqbal v. State **(2021 SCMR 1909)**, already settled the principles for cancellation of bail such as i) the bail granting order is patently illegal, erroneous, factually incorrect and has resulted into miscarriage of justice; ii) the accused has misused the concession of bail in any manner; iii) the accused

has tried to hamper prosecution evidence by persuading/pressurizing prosecution witnesses; iv) there is likelihood of absconsion of the accused beyond the jurisdiction of court; v) the accused has attempted to interfere with the smooth course of investigation; vi) the accused misused his liberty while indulging into similar offence and vii) some fresh facts and material has been collected during the course of investigation which tends to establish guilt of the accused.

9. When we categorically asked the complainant how he was energizing his shop, he informed that the respondent No.1 is performing as a contractor with collusion of WAPDA Officials and supplying electricity to the shop of complainant against some monetary consideration. When we again asked the complainant whether he was issued any bill by WAPDA or concerned Utility Company for payment, he again replied that he was purchasing electricity through a contractor. However, after arguing at some length, the complainant himself stated that the trial is going on, therefore, he does not want to proceed further and does not want to press this criminal petition filed for cancellation of bail of respondent No.1.

10. It is not conceivable that the electricity was being supplied without the knowledge of WAPDA or concerned Utility Company and its officials. The doctrine of complicity holds a person legally responsible for a crime committed by someone else when he aids and abets the main offender which is construed a share liability for a completed offense. This doctrine is originated on the principle *qui facit per alium, facit per se,* that a person cannot escape liability merely because the criminal act was carried out through another person. Where someone intentionally causes, directs, or participates in an unlawful act or activity through another, the law may

attribute responsibility to that person also. Notwithstanding the offences mentioned in the FIR, which formed the basis of the indictment under the relevant provisions of PPC, the role of all persons otherwise involved in the theft, unlawful sale, and private siphoning of electricity, rather than through the authorized route is required to be examined microscopically by the WAPDA and the concerned Utility Company.

11. As a result of above discussion, the bail granting order passed by the learned High Court does not require any interference. Since the petitioner himself conceded and is not inclined to press this petition moved for cancellation of bail, therefore this criminal petition is disposed of accordingly. The observation made by us in this Order shall not prejudice the case of either party and the pending criminal case shall be decided by the learned trial Court on its own merits in accordance with law. However, copy of this order may be transmitted by the Office to the Chairman WAPDA for information.

Judge

Judge

Karachi
05.08.2026
Khalid
Approved for reporting