# Cancellation of Bail

**1.Principles Established:**

For cancellation of Bail the consideration that a Court has to give is to various factors including Factual correctness which might lead to a miscarriage of justice, prima facie perverseness of the order, Patent illegality of the order or if the order is erroneously wrong and against the principles of Grant of Bail.

2010 SCMR 580 [Supreme Court of Pakistan]
----S. 497---Bail---Points to be considered by Court while dealing with bail application enumerated.
While granting bail or otherwise, the Court is required to consider the following facts:---
(a) Whether there is or is not a reasonable ground for believing that the accused has committed the offence with which he is charged?
(b) Whether the case requires further enquiry into the guilt of commission of non-bailable offence within the scope of section 497(2), Cr.P.C.?
(c) Whether the accused is minor, woman, sick or infirm person?
(d) The nature and gravity of the charge.
(e) The severity or degree of the punishment which might follow in the circumstances of the case on conviction.
(f) The danger of the accused absconding if he is released on bail.
(g) The danger of witnesses being tampered with.
(h) the danger of the alleged offence being continued or repeated.
(i) The character, the means and standing of the accused.
(j) An opportunity to the accused to prepare his defence.
(k) The accused has already been in jail for a considerable period and the trial is not likely to conclude in near future at least.
(l) Bail should never be withheld as a punishment.

(c) Criminal Procedure Code (V of 1898)---
----S. 497(5)---Cancellation of bail---Principles---Considerations for cancellation of bail are different from those for grant of bail---Bail can be cancelled, if the order on the face of it is perverse, patently illegal, erroneous, factually incorrect resulting in miscarriage of justice or has been passed in violation of the principles for grant of bail.
State v. Khalid Sharif 2006 SCMR 1265 and Ehsan Akbar v. State 2007 SCMR 482 ref.

**2.    Principles Established:**
Bail can be allowed on medical grounds but it is not a state bounty which runs in perpetuity, the bail would be cancelled as soon as the accused regains health.

2010 S C M R 576 [Supreme Court of Pakistan]
-S. 497---Constitution of Pakistan (1973), Art.185(3)---Bail, refusal of---High Court had earlier granted bail to accused only on medical grounds on the basis of the medical certificate issued by Medical Officer of the concerned prison---After more than one year when the accused appeared before High Court in pursuance of an application for cancellation of his bail, he was found by High Court to be physically fit having been completely recovered from all the injuries and ailments as shown in the said medical certificate, which fact was neither disputed nor denied by the accused---Earlier medical report, thus, by that time had lost its efficacy---Where accused was involved or stated to be involved in the commission of some heinous crime, not entitled to grant of bail on merits or had not been admitted to bail on merits, but on medical grounds, such special concession granted to him would vanish the moment he was found to have recovered from such injury or ailment, which formed the basis for grant of bail to him on medical ground and it was found that his judicial custody would be no more detrimental to his health---Grant of bail to such an accused was not a State bounty in perpetuity, which once granted could not be withdrawn or cancelled---Accused after his treatment and recovery had lost the sight to avail the concession of bail on medical ground anymore, as the purpose of grant of bail to him had been achieved after his recovery---Observations made by High Court were quite relevant and justified for passing the impugned order cancelling the bail allowed to accused---Petition was dismissed and leave refused accordingly.
Muhammad Yousafullah Khan v. State PLD 1995 SC 58 distinguished.
(b) Criminal Procedure Code (V of 1898)---
----S. 497(5)---Cancellation of bail granted on medical ground---Principles---Grant of bail to an accused on medical ground is not a State bounty in perpetuity, which once granted cannot be withdrawn or cancelled.

**3. Principles Established:**
Strong and exceptional grounds are required for cancelling the bail granted to an accused by a competent Court of law; it is to be seen as to whether order granting bail is patently illegal, erroneous, factually incorrect and has resulted in miscarriage of justice.

2009 S C M R 1202 [Supreme Court of Pakistan]
(a) Criminal Procedure Code (V of 1898)---
----S. 497(5)---Penal Code (XLV of 1860), S.324---Constitution of Pakistan (1973), Art.185(3)---Cancellation of bail, refusal of---High Court while granting bail to accused had assigned sound and valid reasons, which could not be shown to have suffered from any infirmity or irregularity, legal or factual, warranting interference with the impugned judgment---Strong and exceptional grounds were required for cancelling bail granted to accused by a competent Court of law, e.g. whether order granting bail was patently illegal, erroneous, factually incorrect and had resulted in miscarriage of justice---No exception could be taken to the conclusion rightly reached by the High Court---Accused was not shown to have misused the concession of bail and he was entitled to remain on bail---Leave to appeal was declined to complainant accordingly.
(b) Criminal Procedure Code (V of 1898)---
----S. 497(5)---Cancellation of bail---Principle---Considerations for cancellation of bail are quite distinct from the considerations for grant of bail---Strong and exceptional grounds are required for cancelling the bail granted to an accused by a competent Court of law; it is to be seen as to whether order granting bail is patently illegal, erroneous, factually incorrect and has resulted in miscarriage of justice.

 **4.    Principles Established:**
Principles-Considerations for cancellation of bail are quite distinct from the considerations for grant of bail---Once hail has been granted by a competent Court of law, strong and exceptional grounds are required for canceling the same---It has to be seen as to whether order granting bail is patently illegal, erroneous, factually incorrect and has resulted in miscarriage of justice.

2009 SCMR 786 [Supreme Court of Pakistan]
(a) Criminal Procedure Code (V of 1898)---
----S. 497(5)---Penal Code (XLV of 1860), Ss.302/148/149/109---Bail, cancellation of-Principles-Considerations for cancellation of bail are quite distinct from the considerations for grant of bail---Once hail has been granted by a competent Court of law, strong and exceptional grounds are required for cancelling the same---It has to be seen as to whether order granting bail is patently illegal, erroneous, factually incorrect and has resulted in miscarriage of justice.
(b) Criminal Procedure Code (V of 1898)---
----S. 497(5)---Penal Code (XLV of 1860), Ss.302/148/149/109--Constitution of Pakistan (1973), Art.185(3)---Bail, cancellation of---Accused had been specifically named in the F.I.R. for firing effectively along with others, culminating in the murders of two young brothers aged 35 years and 32 years---Fifty-two crime-empties had been recovered from the place of occurrence and large number of fire-arm injuries were found on the persons of the deceased---Accused having been, prima facie, implicated in the case, there was no justification for grant of bail to any of them---Pleas desired to be raised by the accused in their defence could , be raised by them at the trial stage---Bail allowed to accused by High Court was cancelled in circumstances.
Abdul Ghaffar v. Sakhi Sultan and 3 others 1987 SCMR 1556 and Ehsan Akbar v. The State and 2 others 2007 SCMR 482 ref.

**5.    Principles Established:**
Consideration for cancellation of bail were different from the considerations for grant of bail---Section 497(5), Cr.P.C. did not command the Court to cancel the bail even when the offence was punishable with death or imprisonment for life---Case was not fit for cancellation of bail---Leave to appeal was refused to the complainant accordingly.

2004 S C M R 231 [Supreme Court of Pakistan]
(a)    Criminal Procedure Code (V of 1898)---
----S. 497(5)---Penal Code (XLV of 1860), 5.302---Constitution of Pakistan (1973), Art.l85(3)---Cancellation of bail---High Court while granting bail to accused had exercised its discretion properly and in accordance with the settled norms of justice---Strong and exceptional grounds warranting interference were lacking---Consideration for cancellation of bail were different from the considerations for grant of bail---Section 497(5), Cr.P.C. did not command the Court to cancel the bail even when the offence was punishable with death or imprisonment for life---Case was not fit for cancellation of bail---Leave to appeal was refused to the complainant accordingly.
Falak Sher v. The State 1979 SCMR 103 and Mian Dad v. The State 1992 SCMR 1289 ref.
(b) Criminal Procedure Code (V of 1898)---
----Ss. 497(5) & 497(1)---Cancellation of bail ---Principles---Considera¬tion for cancellation of bail are different from the considerations for the grant of bail---Section 497(1), Cr.P.C. prohibits the grant of bail for offences punishable with death or imprisonment of 10 years or over--¬Section 497(5), Cr.P.C. does not command the Court to cancel the bail even when the offence is punishable with death or imprisonment for life, and even if the grant of bail is prohibited under section 497(1), Cr.P.C., the discretion is left in the Court under section 497(5), Cr.P.C., which is "pari materia" with the principles which apply to the setting aside of the orders of acquittal.
Mian Dad v. The State 1992 SCMR 1289 ref.

**6.  Principles Established:**

Approval and analysis of all facts surrounding a case are needed to assess a case of cancellation of Bail.

2000 SCMR 161[Supreme Court of Pakistan]
Criminal Procedure Code (V of 1898)---
----S. 497(5)---Penal Code (XLV of 1860), S. 302/34---Constitution of Pakistan (1973), Art. 185 (3)---Cancellation of bail---High Court after tentative appraisal of all the relevant facts had reached the conclusion that the case of accused was that of further inquiry on account of apparent "change of record" and unexplained absconsion of the eye-witnesses---Discretion exercised by High Court in allowing bail to the accused was not fanciful or arbitrary and did not call for any interference---Leave to appeal was declined to complainant by Supreme Court accordingly.

**7.    Principles Established:**
Once bail has been granted, the prosecution should make out strong case for cancellation not by making allegations alone but by giving substantive proof of such allegations.
When application for cancellation of bail is frivolous, without any substance making general allegations, the Court is competent to dismiss the same by a short order without going deep into the facts and arguments   High Court has the jurisdiction to refuse to cancel the bail and merely because it did so by passing a short order does not render such order illegal or without jurisdiction   In contested matters it is desireable to give reasons, but not in cases where the very basis of proceedings has been challenged and found to be mala fide and on the top of it application is made for cancellation of bail without any basis and on grounds which remain .unsubstantiated.

1994 S C M R 1283 [Supreme Court of Pakistan]

(e) Criminal Procedure Code (V of 1898)
    S. 497   Bail, grant of   Principles.
A Court considering a bail application has to tentatively look to the facts and circumstances of the case and once it comes to the conclusion that no reasonable ground exists for believing that the accused has committed a non¬bailable offence, it has the discretion to release the accused on bail. In order to ascertain whether reasonable grounds exist or not, the Court should not probe into the merits of the case, but restrict itself to the material placed before it by the prosecution to see whether some tangible evidence is available against the accused which if left unrebutted, may lead to inference of guilt. Mere accusation of non bailable offence would not be sufficient to disentitle an accused from being bailed out. There should be reasonable grounds as distinguished from mere allegation of suspicion. However, strong the suspicion may be, it would not take the place of reasonable ground. The words "reasonable grounds" are words of higher import and significance than the word "suspicion". It is for the prosecution to show reasonable grounds to believe that the accused has committed the crime. If the Court is not satisfied with the material placed before it that there exist reasonable grounds to believe that the accused is guilty, then the Court has the discretion to grant bail.
Where the liberty of a citizens involved, the action initiated by the police/prosecution is found to be mala fide and intended to extract evidence or information from the detenue the superior Courts should not be reluctant to step in and grant relief to the citizens.
Abdul Malik v. The State PLD 1968 SC 349 ref.
(f) Constitution of Pakistan (1973)
    Art. 199   Arrest and detention   Constitutional jurisdiction exercise of—¬Where the actions and proceedings are not bona fide and with ulterior motive to obtain information about an absconding accused and arrest after arrest is made involving some persons in different blind reports lodged much earlier and no explanation is provided for such series of action in seriatum one after the other, the High Court under Art. 199 of the Constitution of Pakistan is empowered to afford protection to the citizens against frivolous and mala fide actions by imposing conditions on the erring authorities and agencies.
Per Sajjad Ali Shah, J:
Shahnaz Begum v. Judges of the High Court of Sindh and Balochistan PLD 1971 SC 677; Abdul Baqi Baluch v. The Government of Pakistan etc. PLD 1968 SC 313; Ch. Manzoor Elahi v. Federation of Pakistan PLD 1975 SC 66 and PLD 1976 SC 430 ref.
(g) Criminal Procedure Code (V of 1898)
    S. 497 (5)   Bail, cancellation of   Once bail has been granted, the prosecution should make out strong case for cancellation not by making allegations alone but by giving substantive proof of such allegations.
(h) Criminal Procedure Code (V of 1898)—
     S. 497 (5)   Bail, cancellation of   When application for cancellation of bail is frivolous, without any substance making general allegations, the Court is competent to dismiss the same by a short order without going deep into the facts and arguments   High Court has the jurisdiction to refuse to cancel the bail and merely because it did so by passing a short order does not render such order illegal or without jurisdiction   In contested matters it is desireable to give reasons, but not in cases where the very basis of proceedings has been challenged and found to be mala fide and on the top of it application is made for cancellation of bail without any basis and on grounds which remain .unsubstantiated.

**CANCELLATION OF BAIL**

Cancellation of bail consideration. Considerations for the cancellation of bail are different from the considerations for the grant of bail. Section 497(1) Cr.P.C. prohibits the grant of bail for offences punishable with death or imprisonment of 10 years or over. Sec. 497 (5) Cr.P.C. does not command the Court to cancel the bail even when the offence is punishable with death or imprisonment for life, and even if the grant of bail is prohibited u/S. 497 (1) Cr.P.C. the discretion is left in the Court u/s. 497 (5) Cr.P.C.  which is pari materia with the principles which apply to the setting aside of the orders of acquittal. 1992 SCMR 1286, Mian Dad.
In cancellation of bail matters the Supreme Court does not ordinarily disturb the tentative opinion expressed by High Court on the merits of the case. 1995 SCMR 1765, Haji Gulu Khan v. Gul Draz.
Application by mother of the abductee to Supreme Court treated as petition for leave to appeal for cancellation of bail granted by the High Court. Rules regarding Cr. P.S.L.A. relaxed and bail cancelled. 1993 SCMR 893, Mst. Mahmona Hamayun v. Abdul Hakim etc.
Cancellation of bail application cannot only be filed by the State but also by the complainant or near relative of the deceased. PLJ 1994 Cr.C. (Lah.) 332. Khalid Muhammad v. Abdul Qadir Shah.
Lower Courts necessarily to be moved first for cancellation of bail. PLD 1984 SC 192. Zia-ul-Hassan.
Cancellation of bail application to the High Court before moving the Court which granted the bail is not competent. NLR 1991 Cr. 46 Muhammad Nasir Butt.
Documents had to be recovered and investigation would be interfered if bail is not cancelled. Bail not cancelled. PLJ 1997 Cr.C. (Kar.) 147, Rizwan Masood v. Haji Muhammad Rafiq etc.
Recovery of stolen property of misappropriated articles yet to be made is a good ground for cancellation of bail. PLJ 1984 SC 50 Zia-ul-Hassan.
Cancellation of bail by High Court on the same material on which bail was granted is competent. (SC) PLD 1977 SC 602 Amir-ud-Din.
Cancellation of bail on new grounds arising subsequently. Supreme Court held, High Court to be moved again. 1979 SCMR 479. Mehr Ghulam Nabi v. Muhammad Shafiq.
Cancellation of bail application dismissed for offence u/Ss. 302, 324/34, PPC when it was found that the prosecution had suppressed injuries on the accused. NLR 1999 Cr.C. 145 Ashiq.
Provision of Sec. 497 (5), Cr.P.C. no bar to approach higher Court for cancellation of bail. 1979 SCMR 65 Barkat Bibi.
Cancellation of bail. maximum sentence not likely to be awarded. Cases in which maximum sentence may be life imprisonment or 10 years R.I. yet if the circumstances of the case show that the maximum sentences is not likely to be awarded bail granted to the accused cannot be cancelled. PLD 1972 SC 277 and 1973 P.Cr.LJ 205 Amir v. State ref. PLD 1975 Lah. 568 Muhammad Altaf v. Nazir Ahmad.
Date fixed for trial to commence shortly. Not fair to go into merits of case for bail at this stage. 1980 SCMR 203. Muhammad  Sadiq.
Bail applications ordinarily not to be decided on merits when the case is fixed for hearing. Application for cancellation of bail dismissed. PLJ 1989 SC 455. Muhammad Ismail v. Muhammad Rafiq etc.
When murder case is fixed for hearing well-known practice of Courts is not to decide bail application on merits. Cancellation of bail petition dismissed. PLJ 1989 SC 455. Muhammad Ismail v. Muhammad Rafiq.
Trial likely to commence in a few weeks time and when no allegations of misuse of privilege of bail are made, ordinarily bail is not to be cancelled. 1979 SCMR 235. Muhammad Hanif v. Khushi Muhammad.
Cancellation of bail when trial started and judgment to be pronounced soon the cancellation of bail petition not considered. PLJ 1980 SC 147 Mst. Channa Jan v. Muhammad Siddiq.
Case already fixed for arguments, bail not cancelled as no useful purpose would be served. 1989 SCMR 520. Muhammad Iqbal v. Muhammad Safeer.
Trial already started and three witnesses examined, Supreme Court did not consider the plea for cancellation of bail at that stage. 1989 SCMR 2063. Masood.
Cancellation of bail and delay in hearing. Cancellation petition filed only 20 days after bail order but case coming up for hearing before Supreme Court after 13 months. Held no advantage for this delay could be taken by respondent accused. 1979 SCMR 66. Barkat Bibi v. Gulzar.
Reasons for cancellation of bail if not cogent for example, order obtained through misrepresentation, suppression of facts or concession being abused to hamper course of trial. Such facts to be brought to the notice of the Court concerned. PLJ 1979 SC 202. Mehr Ghulam Nabi v. Muhammad Shafiq.
Cancellation of bail granted by superior Courts. Neither the Magistrate nor the Sessions Judge is empowered to cancel the bail granted by the High Court, unless the High Court order is explicitly of temporary character and applicable only to a certain stage in the proceedings. (FB) 49 Cr.LJ 521 Seoti.
Bail granted by Supreme Court cannot be cancelled by Sessions Judge for absence of the accused. The Court can issue non-bailable warrants of arrest for the production of the accused and also issue notice to the surety. NLR 1984 Cr. 724. Manzoor Ahmad Bhatti.
Bail granted by High Court cannot be cancelled by lower Courts. PLJ 1993 Cr.C. (Pesh.) 307, Zar Jan.
Cancellation of bail by High Court. Petition for cancellation of bail on the grounds of threats to prosecution witnesses dismissed by the Sessions Judge. Held, High Court under section 439, Cr.P.C. and not under section 497 (5), Cr.P.C.; can cancel the bail on new grounds set out in revision petition. (SC) 1971 SCMR 637 Nazir v. Amir Din etc.
Cancellation of bail for suborning witnesses. Police initiating security proceedings against accused. Held, if security proceedings by police prove ineffective nothing prevents the petitioner from moving committing Court for cancellation of bail and Magistrate at liberty to cancel bail despite order of High Court granting bail. 1981 SCMR 773 Muhammad Ahmad v. Muhammad Yaqub.
When cancellation of bail is sought for misuse of concession of bail, there should be clear proof on record about the allegation of misuse of the privilege of bail. When sufficient material to support the allegation is brought on the record bail is liable to be cancelled. PLD 1994 S.C. 88, Tanveer Ahmed v. Muhammad Saqib etc.
Bail cancelled without notice to the accused. Bail allowed. 1971 P.Cr.LJ 1051 Allah Bakhsh.
Bail allowed by police cannot be cancelled by the Magistrate; words "and in the case of person released by itself" in section 497 (5), Cr.P.C. does not apply in the case. 1970 P.Cr.LJ 1171 Nisar Ahmad 1968 P.Cr.LJ 1212 Muhammad Iqbal.
Medical grounds. Medical certificate showing that the accused not only suffered from infirmity but also that infirmity may endanger his life. Bail granted by Sessions Judge for offence under section 307, P.P.C. not cancelled. PLJ 1975 Cr.C. (Kar.) 40 Sarfraz Ahmad.
Cancellation of bail without giving the accused an opportunity of being heard is illegal (SC) PLD 1966 SC 126 Mushtaq Ahmed.
Cancellation of bail. High Court and Court of Sessions may cancel bail granted by them under section 498, Cr.P.C. in a case pending before a Magistrate. Powers under section 498, Cr.P.C. are only a corollary to section 497, Cr.P.C. PLD 1950 Lah. 280 Ahmed v. Crown. Section 497 (5), Cr.P.C. gives powers to do so, overruled. PLD 1956 FC 117 Gushtasab Khan v. Crown. PLD 1974 Lah. 476 Nazir Ahmad v. Latif Hussain.
"    Bail cancelled when Sessions Judge granted bail on plea of alibi observing that the case required further inquiry. Bail cancelled on the ground that there was no scope for further inquiry. PLJ 1974 Cr.C. (Lah.) 517 Javid Akhtar v. Masud Ahmed.
"    In case under section 307/148/149, P.P.C. Sessions Judge allowed pre-arrest bail to two accused on the ground that firing was not effective. Bail cancelled as ineffective firing is no justification for grant of pre-arrest bail, to two accused on the ground that firing was not effective. Bail to be granted very rarely in such cases. PLJ 1974 Cr.C. (Lah.) 519 Asghar Ali v. Jagdev etc.
High Court granted bail during the commitment proceedings pending before a Magistrate. Superior Courts not to do so when the grant of bail would prejudice the case. However, when bail granted not in violation of any legal principles it should not be cancelled. (SC) 1973 SCMR 498 Muhammad Yaqub v. Ghulam Qadir etc.
Order granting bail not improper. High Court cancelled bail granted by Sessions Judge. Supreme Court granted bail as discretion exercised by Sessions Judge was not found injudicious or improper. (SC) PLJ 1978 SC 204. Maz Wali.
Strong and exceptional grounds are needed for cancellation of bail when bail is granted by a competent Court. PLJ 1991 Cr.C. (Lah.) 64 Bashir Ahmed v. Mirza Muhammad Ayub.
Where High Court did not notice all the relevant circumstances of the case Supreme Court cancelled the bail. Injuries found on the accused were very slight; simply because the fight was sudden it was a long way for the accused to establish all the conditions laid down in Sec. 300 exception IV, PPC. PLD 1990 SC 758. Iqbal Hussain v. Abdul Satter.
Cancellation of bail under section 561-A, Cr.P.C. Section 561-A does not empower High Court to cancel bail granted by it under section 426, Cr.P.C. 1968 P.Cr.LJ 1069 Saleh Muhammad.
Cancellation of bail. Bail allowed by Sessions Judge because judicial confession was retracted, Bail cancelled. PLJ 1973 Cr.C. (Lah.) 492 Anaran Begum v. Mushtaq etc.
Bail cancelled when Sessions Judge had granted bail without giving proper appreciation to alibi plea. PLJ 1973 Cr.C. (Lah.) 495 Nawab v. Muhammad Saeed.
Under section 497 (5), Cr.P.C. Section 498, Cr.P.C. being a corollary of section 497, Cr.P.C. High Court has to cancel bail under section 497 (5) which was granted by Sessions Judge under section 498, Cr.P.C. (FC) PLD 1956 FC 117 Gushtasab Khan v. The Crown.
Contra. 47 Cr.LJ 106 Crown v. N.S. Krishman 221 IC 178.
Cancellation of bail by High Court under section 497 (5), Cr.P.C. bail having been granted under section 498, Cr.P.C. by the Sessions Court, held, High Court has ample power under section 439, Cr.P.C. to revise any orders made by subordinate criminal Courts. (SC) 1974 SCMR 166 Ijaz Ahmad.
For offences under sections 307, 452, 324, 148 /149, P.P.C. Since investigation completed and challan put in Court cancellation of bail would serve no useful purpose. 1976 P.Cr.LJ 193 Shamshad v. Muhammad Arshad etc.
Cancellation of bail application filed 21/2 months after bail order. Held, petition not made promptly, private party is not to be permitted to harass accused by selecting his own timings for moving for cancellation of bail specially when the accused did not abuses the concession of bail PLJ 1984 Cr.C. (Kar.) 284. Piaro.
Cancellation of bail application made to the High Court after more than 90 days of the order granting bail. Supreme Court allowed leave to appeal to consider the question whether the application to the High Court was barred by time. (SC) NLR 1984 Cr. 202. Musharaf Khan.
Cancellation of bail. Court granting bail to be moved in the first instance for the cancellation of bail. 1976 P.Cr.LJ 324 Mirza Khan v. Lal Khan PLJ 1975 Cr.C. (Lah.) 296.
Cancellation of bail. Threats to witnesses. Involvement of the accused in the conspiracy yet to be established. Allegation made that the accused after the grant of bail tried to misuse concession by approaching prosecution witnesses and threatening them not to give evidence. Bail not cancelled in the circumstances. PLD 1977 Kar. 554 State v. Muhammad Hassan etc. 1978 P.Cr.LJ 266 Sardar Khan v. Muhammad Fazil.
Cancellation of bail. Evidence on record not tampered. Accused on bail for about 9 months but liberty not abused by tampering with record or evidence Held, no useful purpose will be served by taking accused into custody. Bail could not be cancelled to enable prosecution to use coercive methods for recovery. 1976 P.Cr.LJ 264 Allah Jiwaya v. Muhammad Aslam etc.
Cancellation-abuse of liberty. High Court cancelled bail granted for offences under section 363, 366 P.P.C. because accused threatened to readjust the girl. PLJ 1975 Cr.C. (Lah.) 57 Amir Khan v. Muhammad Iqbal etc.
Cancellation: accused threatening P.Ws. since his release on bail. The fact that the accused was living 68 miles away from the spot could not prevent him threatening or intimidating the P.Ws. Bail cancelled. 1976 P.Cr.LJ 609 Bashir Hussain v. Sadiq Hussain etc.
Cancellation-abuse of liberty. High Court cancelled bail granted for offence under sections 363, 366, P.P.C. because accused threatened to re-abduct the girl. PLJ 1975 Cr.C. (Lah.) 57 Amir Khan v. Muhammad Iqbal etc.
Cancellation tampering with evidence. Accused admitted approaching complainant through others, held bail rightly cancelled. PLD 1975 Lah. 301 Ghulam. Contra 1978 P.Cr.LJ 266. Sardar Khan v. Muhammad Fazil.
Cancellation. delay in trial. Accused allowed to remain on bail because of delay in trial as no witness had been examined that far. 1976 P.Cr.LJ 944 Abdul Ghaffar v. Muhammad Saleem.
Delay in submission of Challan. FIR delayed, two eye-witnesses interested and other discrepant. Bail not cancelled. (SC) 1977 SCMR 1. Mumtaz v. Sarfaraz etc.
Additional Sessions Judge cannot cancel bail. When High Court authorised only the committing Magistrate to cancel the bail while committing the accused for trial but not exercising the power. 1971 P.Cr.LJ 236 Sikandar.
Cancellation of bail before arrest and alibi. High Court granted bail before arrest on the ground of enmity between the parties and that police should examine the plea of alibi before arresting the respondent. Held, that the plea of alibi raised by the respondent would ordinarily be examined by the relevant Court in first instance. Accused named in the FIR as the principal offender in case under section 302, P.P.C. Bail cancelled. (SC) 1976 SCMR 51 Ch. Hashmat Ali v. Muhammad Saleem etc.
Cancellation of bail before arrest. High Court granting bail before arrest to a person accused of murder who was latter challaned and the matter pending before a Magistrate. Proper course to move committing Magistrate or Sessions Court for cancellation of bail. (SC) 1970 SCMR 786 Abdus Sattar v. Muhammad Yaqub etc.
Under what provision of law is the Magistrate or Sessions Judge competent to cancel bail granted by High Court is not clear from this authority. It may be that the Magistrate could act on new grounds that arise in the course of proceedings. PLD 1958 SC (Pak.) 169 Abdul Hayee Khan.
Cancellation of bail before arrest. Bail confirmed by the High Court. Supreme Court refused to cancel it, leaving to Sessions Court to cancel it if grounds exist for believing accused to be guilty of offences punishable with death or transportation. (SC) PLD 1967 SC 293 Abdul Rehman v. Fazal Qadir.
Cancellation by the Supreme Court. The Supreme court does not interfere with the High Court orders unless the reasons given are fanciful or arbitrary, though the Supreme Court may not quite agree with those reasons. (SC) 1976 SCMR 286 Noor Muhammad v. Abdur Razaq.
No misuse of bail privilege. Although the Supreme Court was not quite happy with the grant of bail to the respondents, by the High Court, yet it did not interfere with the privilege of bail as it had not been misused. 1976 SCMR 360. Shahid Arshad v. Muhammad Naqi Butt.
No abuse of bail and delay in lodging the FIR considered by the Supreme Court as sound factors for the confirmation of the interim bail. Order not confirming the bail set aside. (SC) 1975 SCMR 137 Rana Phool Muhammad Khan etc.
Where concession of bail was abused by injuring a witness and the High Court had misread the evidence while granting bail. Supreme Court cancelled the bail. 1994 SCMR 1230, Malik Anjum Farooq Piracha v. Waqar Zafar Chauhan etc.
No misuse of liberty, interim bail granted by the Supreme Court confirmed as the petitioners were responsible persons and there were only general allegations against them and also that the trial would not be delayed. (SC) 1976 SCMR 352 Zaka Ullah etc.
No complaint against the petitioner since released on bail, about two and a half years ago. Bail confirmed by Supreme Court (SC) 1977 SCMR 40. Bashir-ud-Din etc.
Expeditious trial instead of cancellation of bail. Supreme Court directed expeditious trial when application for cancellation of bail made in a murder case; allowing trial Court to cancel bail if after examination of eye-witnesses it was found that the accused had committed a non-bailable offence. (SC) 1977 SCMR 1, Mumtaz v. Sarfaraz etc.
Trial to commence shortly, bail not cancelled, which had been granted by High Court. 1985 SCMR 1691 Mst. Irshad Begum v. Muhammad Afzal.
Where the case was cancelled by a Magistrate against an accused and the High Court had cancelled the bail of the accused, the Supreme Court set aside the High Court order cancelling bail for offence u/Ss. 302, 307, 148/149 PPC, 1992 SCMR 813, Shahid Iqbal Butt.
Trial about to start shortly, bail not cancelled. Trial Court may cancel bail after recording incriminating evidence. 1988 SCMR 918. Akmal Masih v. Salamat Masih.
Bail not cancelled when trial had started. The trial Court should be allowed to finally decide the case. NLR 1986 Cr. 738. Munshi Khan.
Bail to be cancelled on strong grounds and not by making allegations alone but by giving substantive proof of such allegations. When application for cancellation of bail is frivolous, without any substance, making general allegations, the Court is competent to dismiss it by a short order without going deep into the facts and arguments. High Court has the jurisdiction to refuse to cancel the bail and merely because it did so by passing a short order does not render such order illegal or without jurisdiction. In contested matters it is desirable to give reasons, but not in cases where the very basis of the proceedings has been challenged and found to be mala fide and on top of it application is moved for cancellation of bail without any basis or grounds which remain unsubstantiated. 1994 SCMR 1283, Govt. of Sindh v. Raeesa Farooq and 5 others.
Respondent to surrender himself voluntarily to serve his sentence when appeal was pending in the High Court and sentence had been suspended by High Court, the order was passed after cancelling bail in a murder case, by Supreme Court. PLD 1992 S.C. 463, Bashir Ahmed v. Zulfiqar.