

Cancellation of Bail in Pakistani Law: Principles, Phases and Practice in the Supreme Court and the Peshawar High Court (1965–2026)

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Abstract

Bail that has been granted is not easily taken back. Since *Mushtaq Ahmad* (PLD 1966 SC 126) the Supreme Court has said that cancellation needs a hearing for the accused, and the Supreme Court and the Peshawar High Court have repeatedly said that the reasons for granting bail and the reasons for cancelling it stand on different footings. This paper follows the doctrine through four phases, from the foundational decisions of the 1960s to the seven-ground statement in *Sami Ullah v. Laiq Zada* (2020 SCMR 1115) and the decisions of 2023 to 2025. It analyses eighty-two reported judgments of the Supreme Court and the Peshawar High Court, found on the Pakistan Law Site, on the grounds for cancellation, abscondence, misuse, the effect of a commenced trial, pre-arrest bail, the hearing the accused and the victim must receive, the forum (Magistrate, Sessions Court and High Court), and bail granted on the complainant's "no objection" or compromise. It sets out where the authorities agree, where they leave a gap, and a practical guide for both sides. Annexure A summarises the judgments in question-and-answer form.

Keywords: cancellation of bail, section 497(5) Cr.P.C., pre-arrest bail, section 498, misuse of bail, abscondence, no objection, compromise, Peshawar High Court.

1. Introduction

A person who has been granted bail has, for the time being, his liberty. Cancelling bail takes that liberty away without a conviction. For that reason the courts treat an application to cancel bail as a different exercise from an application to grant it. A bail petition asks whether there are reasonable grounds to believe the accused is guilty. A cancellation petition asks whether the order that freed him was so wrong in law, or his conduct since so improper, that it must be undone.

The practitioner's difficulty is that the same case can be put under either head, and the courts keep both in view. A bail order that rests on a wrong principle can be recalled even if the accused has behaved well (*Sidra Abbas*, 2020 SCMR 2089); a bail order that is doubtful but not perverse will stand if the accused has not misused it (*Sami Ullah*, 2020 SCMR 1115). Questions also come up outside the usual murder-case pattern. Who may cancel bail that a Magistrate granted? What if the complainant first said he had no objection to bail and later changed his mind? Does a pending trial protect the accused? This paper looks at each question in the reported cases.

2. Sources and Method

All the judgments discussed were searched and read on the Pakistan Law Site, and no other source was used. The searches covered "bail, cancellation of" and related phrases, and phrase searches on "no objection" and compromise. The Supreme Court and the Peshawar High Court were chosen because they bind, or are closest to, a practitioner in Khyber Pakhtunkhwa. Each citation, bench, date and holding stated here comes from the text on the site. Four limits should be stated:

- Entries marked † in Annexure A are described from the head-note and the opening of the judgment; the full reasoning was not read, and the answers say no more than the head-note.
- The site's list titles are sometimes wrong. Party names, benches and dates were taken from the judgment itself.
- The search covered what the site returned under the phrases used; a reported judgment that the site indexes differently may have been missed. A few Supreme Court decisions in the list (for example, 1970 SCMR 481, 1985 SCMR 2018 and others of the 1980s) were not opened and are not relied on.

- No judgment of the Federal Shariat Court or of other High Courts is cited, except where a Supreme Court judgment from another province is the authority for a point. The Supreme Court's authority applies throughout Pakistan.

3. Statutory and Constitutional Framework

- **Section 497(1) Cr.P.C.** governs bail in non-bailable offences. For offences within the prohibitory clause, the court asks whether there are reasonable grounds to believe the accused is guilty; the "further inquiry" provision (section 497(2)) applies where there are not. The provisos deal with women, the sick and the young, and with delay in trial (the third proviso, applied for example in *Zafarullah Khan*, 2019 MLD 906, and *Muhammad Qayum*, 2026 PCrLJ 1189). The proviso requiring notice to the prosecution before bail is granted was read in *Mst. Sabiha* (2026 MLD 132) to include the victim.
- **Section 497(5)** allows a court to cancel bail it has granted. The High Court and the Court of Session can cancel bail granted by a subordinate court; a court may recall its own order (*Inayat Ullah*, 2015 PCrLJ 1575, where a Judicial Magistrate cancelled his own conditional bail order). Bail granted by the High Court can be cancelled only by the High Court (*Zar Jan*, PLD 1993 Peshawar 28).
- **Section 498** covers pre-arrest bail. Cancellation of pre-arrest bail is also brought under section 497(5) (*Haji Muhammad Zaman*, 2011 MLD 93; *Abid Hussain*, 2021 SCMR 518).
- **Section 439** (revision) and **section 561-A** (inherent powers) give the High Court reach beyond 497(5). The Supreme Court in *Gulzar Hassan Shah* (PLD 1970 SC 335) held that an order cancelling bail passed in the accused's absence is a nullity, so recall under section 561-A is competent. Where bail was granted by the police on personal bonds, the Peshawar High Court held that section 497(5) does not apply and the remedy lies in 561-A or Article 199 (*Esa Khan*, PLD 2006 Peshawar 165).
- **Section 345** governs compounding. The effect of a compromise on bail was considered in *Adnan Khan* (2020 PCrLJ 1001).
- **Article 185(3) of the Constitution** is the route to the Supreme Court. The Court usually converts a petition into an appeal when it allows it.

4. The Phases of the Doctrine

Phase 1 (1965–1975): Hearing and the limits of recall

Mushtaq Ahmad v. The State (PLD 1966 SC 126; Cornelius CJ, Kaikaus and Hamoodur Rahman JJ; decided 21 October 1965) held that a High Court Judge's direction to a Magistrate to cancel a bond was a judicial order under section 439, not an administrative one, and that cancelling bail without hearing the accused was illegal. The High Court may examine records suo motu, but it must hear the accused first.

Gulzar Hassan Shah v. Ghulam Murtaza (PLD 1970 SC 335; five-member Bench, 18 March 1970) added that section 369 does not control section 498; an order cancelling bail in the accused's absence is a nullity, so a section 561-A application to recall it is competent; but the High Court's power to alter its own order applies only in rare cases. The Bench also criticised the courts below for entering into the merits.

Rafat Ali (1971 SCMR 62) held that a committing court's finding of a prima facie case showed reasonable grounds for believing the accused guilty, so no bail question arose. *Karam Din* (1975 SCMR 230) refused cancellation where four investigating agencies had found the accused innocent, the State did not support cancellation, and only three of sixteen witnesses had been examined.

Phase 2 (1983–1999): Strong case needed; absconders; further inquiry

The Supreme Court tied cancellation to specific causes. *Government of Sindh v. Raeesa Farooq* (1994 SCMR 1283) said that once bail is granted the prosecution must make out a strong case, not just make allegations. *Najeeb Gul v. Khalid Khan* (1989 SCMR 899, from the Peshawar High Court) cancelled bail where the accused had absconded for

eight months, and said an accused who is a fugitive from the law loses the concession unless it is his as of right under section 497(2). *Farid Ullah v. Muhammad Niaz* (PLD 1995 SC 54, also from Peshawar) cancelled bail where two FIRs, empties, recoveries and three eyewitness statements prima facie connected the accused; it was not a case of further inquiry. *Abdul Khaliq v. Khan Bahadur* (PLD 1996 SC 176) repeated that cancelling bail without hearing the accused's counsel had no justification and sent the matter back to a different Bench.

Other decisions set limits. *Jamaluddin* (1985 SCMR 1949) held that cancelling pre-arrest bail does not require remand to custody unless the police ask for it. *Fazal Haque* (1984 SCMR 1378) refused to cancel one accused's bail while four co-accused remained on bail without sound reasons. *State v. Malik Mukhtar Ahmad Awan* (1991 SCMR 322) treated objections such as the accused being a fugitive as mere technicalities where reasonable grounds did not exist. *Muhammad Sharif v. Shafqat Hussain* (1999 SCMR 338) said there is no rule that bail cannot be cancelled merely because the trial has begun.

The Peshawar High Court in the same period was active and consistent. It held that deep appreciation of evidence at the bail stage is wrong and the trial court's use of "further inquiry" had been misunderstood (*State v. Yousaf Khan*, PLD 1989 Peshawar 17); that parity is a good reason to refuse cancellation (*Ataur Rehman Khan*, PLD 1989 Peshawar 141); that an investigating officer's opinion of innocence not based on sound material does not protect the accused, particularly with unexplained abscondence (*Abbas Khan*, 1992 PCrLJ 417); that bail granted by the High Court can be cancelled only by the High Court (*Zar Jan*, PLD 1993 Peshawar 28); and that bail granted by the Sessions Court can be recalled although the trial has begun, in light of the evidence and the accused's conduct (*Tariq Mahmood Khan*, PLD 1994 Peshawar 268).

Phase 3 (2005–2017): Categories, tests and the High Court's reach

The Supreme Court spelled out the test. *Suba Khan* (2006 SCMR 66, from Peshawar) held that if the principles for grant were not violated, cancellation is not proper; a mere possibility of a different view does not suffice. *Khalid Sharif* (2006 SCMR 1265) allowed cancellation where the bail order was perverse or violated principles, and deprecated the vague use of "further inquiry". *Bashumal* (2007 SCMR 1382) set aside a hasty cancellation on alleged threats where the accused had no chance to answer. *Ehsan Akbar* (2007 SCMR 482) required strong and exceptional grounds and cancelled bail granted on a wrong ground (non-recovery of weapon). *Muhammad Akram* (2008 SCMR 1715) said the order must be patently illegal, erroneous or factually incorrect with a miscarriage of justice. *Shahid Imran* (2011 SCMR 1614) set aside cancellation of pre-arrest bail where no misuse was alleged. *Nazir Ahmed* (PLD 2014 SC 241) cancelled bail where the High Court's grounds were invalid. *Mukhtar Ahmad* (2016 SCMR 2064) cancelled pre-arrest bail where the injuries attracted non-bailable offences, the eyewitnesses stood by their statements and the accused's earlier petition had been dismissed for absence. *Dr. Muhammad Tariq* (2017 SCMR 1944) dismissed a petition on a section 489-F cheque case: three years' delay, no prohibitory clause, three months already in jail, no misuse.

On the question of competence, the Court held in *Nasreen Bibi* (2015 SCMR 825, from the Peshawar High Court, Abbottabad Bench) that a Judicial Magistrate has no power to grant bail after the section 173 report in a case triable by the Court of Session; the bail was cancelled as without jurisdiction. In *Muhammad Ashraf* (2008 SCMR 1372) the Court upheld the High Court's power to examine a Sessions Judge's bail order made on flimsy grounds.

The Peshawar High Court's decisions of these years repeat the formula: strong and exceptional grounds (*Aziz Khan*, 2004 MLD 1408; *Noor Nama*, 2012 MLD 1339; *Bazir*, 2014 PCrLJ 1526; *Ayesha Bibi*, 2017 PCrLJ 1080), with the further statement that the grounds for recalling are "harsher" than those for granting and compare to setting aside an acquittal (*Ishaq Shah*, 2015 PCrLJ 860). It applied the formula to abscondence (*Asil Zada*, 2014 PCrLJ 1787: 27 years' abscondence, bail cancelled; *Nisar Ahmad*, 2016 PCrLJ 1790: bail cancelled where the court below misread the record and the accused had absconded; contrast *Tajbar Khan*, 2018 PCrLJ 1096, in the next phase).

Phase 4 (2019–2026): Sami Ullah, Sidra Abbas and the modern checklist

Sami Ullah v. Laiq Zada (2020 SCMR 1115; Sajjad Ali Shah and Syed Mazahar Ali Akbar Naqvi JJ; 8 May 2020; from the Peshawar High Court, Mingora Bench) lists seven grounds: (i) the bail order was patently illegal, erroneous,

factually incorrect and resulted in miscarriage of justice; (ii) misuse of the concession; (iii) hampering prosecution evidence; (iv) likelihood of absconding; (v) interference with the investigation; (vi) a similar offence committed while on bail; (vii) fresh material establishing guilt. It also said that where the record does not show misuse, the court may decline cancellation even if the bail order is not sustainable in law, and may remand if material of misuse later appears. The petitioners were released on bail. *Sidra Abbas* (2020 SCMR 2089) defined a perverse order as one passed against the weight of the evidence or ignoring material evidence, without reasons, or relying on irrelevant material; such an order is liable to be recalled.

Other 2019–2025 decisions follow the same pattern. *Fawad Ali* (2019 SCMR 1641, from Peshawar) said a declaration of proclaimed offender, or the issue of non-bailable warrants, amounts in itself to cancellation of bail. *Abid Hussain* (2021 SCMR 518†) cancelled pre-arrest bail of an accused who twice lost ad-interim bail for non-appearance. *Asia Qaseem* (2021 SCMR 302†, from Peshawar) cancelled bail granted on grounds not borne out by the record. *Syed Jawad Shah* (2022 SCMR 660) restored pre-arrest bail where the High Court had cancelled it because the accused failed to appear in trial; the complainant had told the High Court he had no objection. *Abdul Majid Afridi* (2022 SCMR 676†) dismissed a petition to cancel pre-arrest bail where the conspiracy allegation lacked particulars. *Amir Faraz* (2023 SCMR 308†) cancelled bail after finding misuse and said no hard rule bars cancellation merely because the trial has commenced. *Shaukat Ali* (2024 SCMR 594†) cancelled bail for threats to the complainant party. *Rab Nawaz* (2025 SCMR 1357†) dismissed a petition to cancel post-arrest bail and restated that bail is not an unqualified right and may be withdrawn if misused.

The Peshawar High Court has added points of its own. It requires notice to the victim before bail is granted and cancels bail granted without it (*Mst. Sabiha*, 2026 MLD 132). It does not allow a district public prosecutor to withhold prosecution or seek discharge in a murder case, so a bail order resting on such an application was set aside (*Zaiwar Khan*, 2018 YLR 2025). It treated bail granted on statutory delay as recallable where the trial was nearly complete and the delay was caused by the accused's own applications (*Zafarullah Khan*, 2019 MLD 906), but declined to cancel bail where the delay arose from the prosecution's failure to produce witnesses (*Muhammad Qayum*, 2026 PCrLJ 1189†).

5. Analysis by Theme

5.1 Grant and cancellation stand on different footings

The statement is in nearly every case, from the Supreme Court's early decisions through *Shahid Imran* (2011), *Abdul Majid Afridi* (2022) and the Peshawar High Court's *Aziz Khan* (2004), *Noor Nama* (2012), *Sharifullah* (2013 YLR 1293) and *Nisar Ahmad* (2016). The practical point is that the court deciding a cancellation does not ask whether it would have granted bail. It asks whether the bail order is perverse, or the accused's conduct calls for withdrawal.

5.2 Grounds on which bail has been cancelled

- **Perverse or illegal bail order:** *Khalid Sharif*; *Sidra Abbas*; *Asia Qaseem*; *Zaiwar Khan*; *Sajjad Ahmed* (2023 PCrLJ 1508†, where the High Court rejected the weapon-bore and delay grounds on which the Sessions Court had relied).
- **Misuse:** threats to the complainant (*Shaukat Ali*), hampering the trial (*Amir Faraz*), repeat offences (*Sami Ullah*, ground vi).
- **Abscondence or non-appearance:** *Najeeb Gul*; *Abid Hussain*; *Fawad Ali*; *Asil Zada*; *Mst. Mastari* (1999 PCrLJ 616); but not always, see 5.4.
- **Fresh material:** *Dostain* (1990 SCMR 316), *Sami Ullah* ground vii.
- **Lack of jurisdiction:** *Nasreen Bibi*; *Ajab Khan* (1999 YLR 2509, bail under the third proviso granted by an application filed before the statutory period ended).

5.3 Grounds on which cancellation has been refused

- No misuse and the order is at worst doubtful (*Sami Ullah*; *Suba Khan*; *Abdul Majid Afridi*).

- Parity with co-accused on bail (*Fazal Haque; Ataur Rehman Khan*).
- Conflicting versions in the prosecution case (*Muhammad Rafique*, PLD 1995 Peshawar 162; *Darya Khan*, PLD 2005 Peshawar 183).
- Delay with no prohibitory clause (*Dr. Muhammad Tariq*).
- Medical ground where the ailment is not life-threatening and bail not abused (*Syed Paris Ali*, 2019 SCMR 2027⁺); the Peshawar High Court cancelled bail on age and sickness where the certificate did not show the need for treatment outside jail (*Muhammad Zaman*, 1999 MLD 1266).
- Further inquiry reached by a reasoned order, even where the evidence is not weak (*Sharifullah; Tajbar Khan*).

5.4 Abscondence

The rule is firm but not absolute. The Supreme Court in *Najeeb Gul* and the Peshawar High Court in *Mastari* and *Asil Zada* treat abscondence as a bar to the concession. But bail was upheld in *Tajbar Khan* (38 years of abscondence, but the accused was otherwise entitled to post-arrest bail as of right and the case was one of further inquiry) and in *State v. Aftab Gul* (1989 SCMR 1502, where the sentence had been remitted). The test the cases apply is whether bail would have been available as of right; if so, abscondence alone does not take it away.

5.5 Effect of the trial having started

There is no rule that commencement of the trial protects the accused (*Muhammad Sharif*, 1999; *Amir Faraz*, 2023), and the Peshawar High Court recalled bail in the middle of a trial in *Tariq Mahmood Khan* (1994) and *Nisar Ahmad* (2016). The Supreme Court has, however, often declined cancellation when the trial is far advanced and bail was not abused (*Syed Paris Ali*, 2019; *Karam Din*, 1975). The two lines are reconciled by looking at whether the grounds for cancellation exist; the stage of the trial is a factor, not an answer.

5.6 Pre-arrest bail

The same rules apply, with a stress on the accused's own conduct. Pre-arrest bail is an extraordinary remedy (*Abdul Khaliq*, 2019 SCMR 1129⁺) and the accused must co-operate. It was cancelled where the accused avoided the process of law (*Abid Hussain; Mukhtar Ahmad*), but not where no misuse was alleged (*Shahid Imran; Abdul Majid Afridi*). The Peshawar High Court recalled it where the accused did not join the investigation and the lower court had not addressed mala fide (*Ishaq Shah*). For the cancellation of pre-arrest bail, the Peshawar High Court looks at whether mala fide was proved when bail was granted (*Haji Muhammad Zaman*, 2011 MLD 93).

5.7 Hearing before cancellation

The Supreme Court has held, repeatedly and since 1965, that an accused must be heard (*Mushtaq Ahmad; Gulzar Hassan Shah; Abdul Khaliq*, PLD 1996 SC 176; *Bashumal*). The Peshawar High Court applied this in *Zar Jan*, where a Sessions Judge cancelled bail granted by the High Court on a later FIR without notice; the order was held to be both without jurisdiction and without hearing. The victim also has a right to be heard before bail is granted (*Mst. Sabiha*).

5.8 Forum

- Bail granted by the **High Court** can be cancelled only by the High Court (*Zar Jan*). A subordinate court that sees misuse must refer the matter to the High Court.
- Bail granted by a **Magistrate or the Sessions Court** can be challenged before the Sessions Court or the High Court, and the High Court's power to scrutinise a Sessions Judge's bail is not limited (*Muhammad Ashraf*, 2008 SCMR 1372⁺). The High Court can also take notice of illegality in the lower forum's procedure under sections 561-A and 439 (*Zahid Saleem*, 1995 PCrLJ 955).
- A **Magistrate's** own power to cancel the bail he granted was upheld in *Inayat Ullah*. A Magistrate may not, however, grant bail in a case triable by the Court of Session once the challan is before him (*Nasreen Bibi*). Where bail was granted by the police on personal bonds, section 497(5) is not the route (*Esa Khan*).

- The decisions read do not say whether a litigant who has been refused cancellation by the Sessions Court may then go to the High Court on the same facts; in practice petitioners do so (*Nasreen Bibi* and *Adnan Khan* both went from the Sessions Court to the High Court), and no authority on the site bars it.

5.9 Bail granted on the complainant's "no objection" or compromise

Five decisions bear directly on this:

- *Syed Jawad Shah* (2022 SCMR 660): the Supreme Court noted that the complainant had told the High Court he had no objection to bail, and treated it as a factor in restoring pre-arrest bail. The complainant's position is relevant, but it was not the only ground.
- *Haji Hukmat Khan* (2012 PCrLJ 1018; Qaiser Rashid Khan J): the complainant said he had no objection to bail because of a compromise; when it failed, he sought cancellation. The petition was dismissed. The complainant cannot be left with "the discretion and prerogative" to say he has no objection at one time and ask for recall later.
- *Adnan Khan* (2020 PCrLJ 1001; Ahmad Ali J): pre-arrest bail confirmed on a compromise deed that let the complainant seek cancellation if the accused failed to honour it. The court held that such a stipulation cannot override section 497(5); the court's power to cancel cannot be shifted to the complainant; there was no misuse, and the deed had fixed no time limit.
- *Rahmat Bar Khan* (2017 YLR 1461): where the complainant had no objection to bail and to acquittal on compromise, he could not resale "unless proved that accused compelled them to compromise through coercion, influence or force". If he says the compromise was not made with his consent, he may apply for cancellation of bail.
- *Inayat Ullah* (2015 PCrLJ 1575): bail granted on compromise as a condition was cancelled by the Magistrate when the accused absconded and played the same tactics before the High Court; the court said cancellation was a rare phenomenon but warranted by the conduct.

What the cases do not decide is the situation where the complainant says he did not give the no-objection at all, for example that a document placed on the record in his name is not his. None of the five concerns a disputed or allegedly false statement. In that situation the argument would be that the bail order rests on a statement that was not genuine and is therefore "factually incorrect" in the terms of *Sami Ullah*; the answer will be that *Hukmat Khan* and *Rahmat Bar Khan* bind the complainant to what he said unless coercion is shown. Which way the court would go has to be argued from first principles and from the record, not from these cases.

6. Practical Guide

For the applicant (complainant or State)

- 1 Plead the *Sami Ullah* ground that fits and attach the proof. A bare allegation will not do (*Raeesa Farooq*).
- 2 If the ground is that the bail order is perverse, quote the order and show the material it ignored or the irrelevant matter it relied on (*Sidra Abbas*; *Asia Qaseem*).
- 3 If the ground is misuse, plead dates, the FIR or complaint for the threat, and any order of the trial court (NBWs, proclamation, *Fawad Ali*).
- 4 Check the forum: High Court bail only the High Court; Magistrate bail in a Sessions-triable case after the challan may be void (*Nasreen Bibi*).
- 5 If the victim was not heard before bail, take the point (*Mst. Sabiha*).
- 6 If bail followed a no-objection or compromise, say whether it is the document or the compromise that is disputed, and what has changed (*Hukmat Khan*; *Adnan Khan*; *Rahmat Bar Khan*).

For the accused

- 1 Ask for a hearing if cancellation is moved in your absence, and apply to recall any ex parte order (*Gulzar Hassan Shah*).
- 2 Show that there is no misuse: attendance record, no threats, no new case.
- 3 Argue that grant and cancellation stand on separate footings and the applicant must show strong and exceptional grounds (*Suba Khan; Aziz Khan*).
- 4 Where parity or further inquiry supports the order, point to the record (*Fazal Haque; Ataur Rehman Khan*).
- 5 If the complainant gave a no-objection or compromised, bring it on record and rely on *Hukmat Khan* and *Adnan Khan*.

7. Open Questions

- If the complainant says a no-objection placed on the record is not his, is the bail order "factually incorrect", or is the complainant bound by it unless he proves coercion?
- Where the Sessions Court has dismissed a cancellation application, is the High Court's power to entertain a fresh petition on the same facts limited to changed circumstances?
- Is lack of notice to the victim by itself enough to cancel bail (as in *Mst. Sabiha*), or must the applicant also show a defect on the merits?
- When a bail order was made on incorrect or incomplete information, should the court recall it as perverse, or only on proof of misuse?

8. Conclusion

The central rule has not changed in sixty years: bail once granted is not to be taken back lightly, the accused must be heard, and the court asks whether the order is perverse or the concession has been abused. What has become clearer is the checklist (*Sami Ullah*), the stress on tentative assessment (*Rab Nawaz*), the role of the victim's right of notice (*Sabiha*), and the limit on a complainant's power to give and take back a no-objection (*Hukmat Khan; Adnan Khan*). Where the authorities do not reach, as with a no-objection that the complainant disowns, the argument must be built from these principles and the record.

Annexure A: Eighty-Two Judgments in Question-and-Answer Form

Each entry gives the citation with bench and date, a short question and its answer. Entries are in date order within each part. A dagger (†) means the answer is based on the head-note and the opening of the judgment only.

Part I: Before 2000, Supreme Court

No.	Citation	Question	Answer
1	Mushtaq Ahmad v. The State, PLD 1966 SC 126 (Cornelius CJ, B. Z. Kaikaus, Hamoodur Rahman JJ; decided 21.10.1965)	Can a High Court direct a Magistrate to cancel a bail bond without hearing the accused?	No. The Judge's direction was a judicial order under section 439, not an administrative one, and cancelling bail without hearing the accused was illegal. The High Court may examine records suo motu under section 439(1), but must hear the accused first.
2	Gulzar Hassan Shah v. Ghulam Murtaza, PLD 1970 SC 335 (five-member Bench: Hamoodur Rahman CJ, Yaqub Ali, Sajjad Ahmad, M. R. Khan, Wahiduddin Ahmad JJ; 18.3.1970)	If bail is cancelled in the accused's absence, can the High Court recall its own order?	Yes. Section 369 does not control section 498; an order cancelling bail in the accused's absence is a nullity, so a section 561-A application to recall it is competent. The power to revoke the court's own earlier order applies only in rare cases. The courts below had entered into the merits and missed that the investigator was inimical, so bail was cancelled on the facts of that case.
3	Rafat Ali v. The State, 1971 SCMR 62 (Hamoodur Rahman CJ, Yaqub Ali, Waheeduddin JJ; 17.8.1970)	What is the effect of a committing court's finding that a prima facie case exists?	It indicates reasonable grounds to believe the accused guilty, so no question of bail on the footing of further inquiry arose. The case concerned a double murder in which 13 accused had been released by the Additional Sessions Judge.
4	Karam Din v. Muhammad Ashraf, 1975 SCMR 230 (Salahuddin Ahmed, Anwarul Haq JJ; 9.1.1975)	Should bail be cancelled where several investigating agencies found the accused innocent?	No. The High Court rightly refused to cancel bail where four investigating agencies found the accused innocent, state counsel did not support cancellation, and only 3 of 16 witnesses had been examined.
5	Ghulam Hussain v. Muhammad Saleh, 1983 SCMR 357 (Muhammad Haleem, Shafiur Rahman, Burhanuddin Khan JJ; 1.2.1983)	Is bail cancelled where a cross-case was registered earlier?	No. The cross-case had been registered earlier and the High Court's order did not violate any principle governing bail, so cancellation was refused.
6	Fazal Haque v. The State, 1984 SCMR 1378 (14.1.1976)	Can one accused's bail be cancelled while co-accused remain on bail?	Not without sound reasons. Where four co-accused were already on bail, the accused's bail could not be cancelled and interim bail was confirmed.
7	Jamaluddin v. The State, 1985 SCMR 1949 (Muhammad Haleem CJ, Abdul Kadir Shaikh, Zaffar Hussain Mirza JJ; 23.4.1985)	What order follows cancellation of pre-arrest bail?	The accused is left to the police: ad interim bail is cancelled, without remand to custody unless the police ask for it. A direction for non-bailable warrants on cancellation was unjustified.
8	Najeeb Gul v. Khalid Khan, 1989 SCMR 899 (Zullah, Saad Saood Jan, Burhanuddin Khan JJ; 24.11.1987; from Peshawar High Court)	Does abscondence disentitle an accused to bail?	Yes, unless the concession is his as of right under section 497(2). Bail was cancelled where the accused had absconded for 8 months. The Court also said the remark "further inquiry" without a finding of no reasonable grounds is unhelpful.
9	State v. Aftab Gul, 1989 SCMR 1502 (29.3.1989)	Does the "fugitive from law" objection defeat bail that is available as of right?	No. Where the accused had been punished and the sentence remitted, the objection failed; if the conditions of section 497(2) are met, bail is of right.
10	Dostain v. The State, 1990 SCMR 316 (25.5.1989)	Can the prosecution seek cancellation after bail is granted?	Yes, if sufficient evidence is collected later.
11	State v. Malik Mukhtar Ahmad Awan, 1991 SCMR 322 (4.4.1990)	Do technical objections defeat bail where reasonable grounds are absent?	No. Objections such as the accused being a fugitive or approaching the High Court directly were mere technicalities where no reasonable grounds existed; bail was upheld.
12	Government of Sindh v. Raeesa Farooq, 1994 SCMR 1283 (Ajmal Mian, Sajjad Ali Shah, Saleem Akhtar JJ; heard 28.2.1994)	What must the prosecution show to cancel bail already granted?	A strong case for cancellation, not merely allegations.
13	Farid Ullah v. Muhammad Niaz, PLD 1995 SC 54 (Saeeduzzaman Siddiqui, Mukhtar Ahmed Junejo JJ; 11.12.1994; from Peshawar High Court)	When is bail cancelled for a non-bailable offence of murder?	Where the material prima facie connects the accused with the offence. Two FIRs, empties, recoveries and three eyewitness statements connected five accused; it was not a case of further inquiry, and bail was cancelled.

No.	Citation	Question	Answer
14	Abdul Khaliq v. Khan Bahadur, PLD 1996 SC 176 (Sajjad Ali Shah CJ, Muhammad Bashir Khan Jehangiri J; 10.12.1995)	Can bail be cancelled without hearing the accused's counsel?	No. There was no justification; the order was set aside and the matter remanded to a different Bench. A reprimand of the Magistrate by the High Court Judge in chamber was disapproved. An upper forum may set aside a lower court's order not passed in accordance with law.
15	Muhammad Jameel v. Shafqat Bari, 1996 SCMR 1562 (Muhammad Munir Khan, Mir Hazar Khan Khoso JJ; 3.7.1995)	What if the offence is later altered after bail on further inquiry?	Bail was granted on further inquiry when the police altered the charge from section 302 to 316; the trial court later framed the charge under 302. The Supreme Court declined to interfere.
16	Muhammad Sharif v. Shafqat Hussain, 1999 SCMR 338 (Muhammad Bashir Jehangiri, Sh. Riaz Ahmed JJ; 17.11.1998)	Is bail safe once the trial has begun?	No hard and fast rule bars cancellation merely because the trial has commenced; every case is examined on its facts. Being 16 years old does not entitle an accused to automatic bail.

Part II: Before 2000, Peshawar High Court

No.	Citation	Question	Answer
17	State through Advocate-General, N.-W.F.P. v. Yousaf Khan, PLD 1989 Peshawar 17 (Raza Ahmad Khan J; 22.10.1988) †	How far may the bail court examine the evidence?	Only tentatively. The lower court minutely and exhaustively assessed the evidence and erred in construing "further enquiry". Bail of the male accused (Zina Ordinance, section 10) was cancelled; the female accused, within the first proviso to section 497(1), kept her bail.
18	Ataur Rehman Khan v. Fateh Muhammad, PLD 1989 Peshawar 141 (Abdul Karim Khan Kundi J; 8.2.1989)	Does release of a co-accused matter in a cancellation petition?	Yes. A co-accused equally charged had been released on bail after arrest, and the respondents had a better case on documents and the investigating officer's opinion of innocence; they continued on pre-arrest bail.
19	Haji Gamun v. Muhammad Afzal, PLD 1991 Peshawar 54 (Muhammad Bashir Khan Jehangiri J; 8.10.1990)	When is pre-arrest bail cancelled?	The court laid down the principles for pre-arrest bail and held that delay in lodging the FIR is no ground for it. Pre-arrest bail was cancelled for the accused with an effective role (a danda blow causing grievous injury) backed by recovery and medico-legal report; the co-accused given only a "lalkara" kept his.
20	Abbas Khan v. The State, 1992 PCrLJ 417 (Muhammad Bashir Khan Jehangiri J; 21.5.1990)	Does an investigating agency's view of innocence stop cancellation?	No, where it is not based on sound material. Even if placed in column 2 of the challan, an accused is not entitled to bail; the alibi witnesses' statements recorded after 26 days were not weighty, and abscondence of over one and a half years deprived him of bail. The order granting bail was hasty and slipshod and was set aside.
21	Zar Jan v. The State, PLD 1993 Peshawar 28 (Muhammad Bashir Khan Jehangiri J; 30.9.1992)	Can a Sessions Judge cancel bail granted by the High Court?	No. Bail granted by the High Court can be varied or rescinded by the High Court alone; a subordinate court that sees a reason for cancellation should move the High Court. The Sessions Judge's order also failed because the accused had received no show-cause notice. Bail was restored.
22	Zahid Saleem v. Zain-ul-Abideen, 1995 PCrLJ 955 (Peshawar) (Sardar Muhammad Raza J; 27.3.1995) (listed on the site as 1996 PCrLJ 955) †	Can the High Court cancel bail granted in breach of a procedural provision?	Yes. Accused who surrendered in the area of the Sub-Divisional Magistrate were released on bail by two Magistrates in violation of section 86-A (removal to the tribal area). The High Court took notice under sections 561-A, 439 and 497(5), cancelled bail and directed their production before the SDM.
23	Tariq Mahmood Khan v. Sultan Mahmood Khan, PLD 1994 Peshawar 268 (Mahbub Ali Khan J; 12.6.1994)	Can Sessions Court bail be recalled after the trial has begun?	Yes, on the facts. The accused was named in a prompt FIR with a specific role, a pistol empty was recovered, and the investigating officers' pleas of innocence were not based on solid grounds. He had been a fugitive for months and surfaced only when favourable statements were recorded in re-investigation. The trial had commenced, but bail was recalled.
24	Muhammad Rafique v. Hasrat Ali alias Bhutto, PLD 1995 Peshawar 162 (Jawaid Nawaz Khan Gandapur J; 24.5.1995)	Is cancellation allowed where the prosecution story has several versions?	No. Three radically different versions emerged from three investigating agencies, which put an element of uncertainty into the case. The lower court's speaking order refusing cancellation was neither arbitrary nor perverse and was not interfered with.

No.	Citation	Question	Answer
25	Muhammad Zaman v. Ghulam Haider Khan , 1999 MLD 1266 (Malik Hamid Saeed, Shah Jehan Khan JJ; 12.2.1998) †	Does age and sickness justify bail in murder?	Not on a medical certificate silent on any need for treatment outside jail. The accused was 68 but not of weak build or suffering an incurable disease. Bail was cancelled.
26	Mst. Mastari v. Noor Nawaz alias Noor Niaz , 1999 PCrLJ 616 (Shah Jehan Khan J; 16.3.1998) †	Can an absconder get bail?	Not as a "bonus for his absconson". The accused absconded 4 years 7 months, the trial ended without him, and the co-accused was acquitted. The Additional Sessions Judge had discussed the case in great depth; deep appreciation is not permissible. Bail was cancelled.
27	Ajab Khan v. Jehanzeb , 1999 YLR 2509 (Mian Muhammad Ajmal, Nasir-ul-Mulk, Malik Hamid Saeed JJ; 24.5.1999) †	Does the Suppression of Terrorist Activities Act 1975 oust section 497?	No, subject to section 5-A(8). The Sessions Court had allowed bail under the third proviso (statutory delay) within seven months of arrest; the application was premature and the order without jurisdiction, so bail was cancelled.

Part III: 2000 onwards, Supreme Court

No.	Citation	Question	Answer
28	Suba Khan v. Muhammad Ajmal , 2006 SCMR 66 (Hamid Ali Mirza, Muhammad Nawaz Abbasi JJ; 22.2.2005; from Peshawar High Court)	Is a possible different view a ground to cancel bail?	No. If the principles for grant were not violated, cancellation is not proper; a mere possibility of a different view is not enough.
29	ANF v. Khalid Sharif , 2006 SCMR 1265 (Iftikhar Muhammad Chaudhry CJ, Mian Shakirullah Jan, Jamshed Ali JJ; 10.4.2006)	When may the court cancel bail?	If the order is perverse or violates principles. The Court deprecated the vague practice of bail on "further inquiry" and stressed a tentative assessment of the material (narcotics case).
30	Raja Muhammad Irshad v. Muhammad Bashir Goraya , 2006 SCMR 1292 (same Bench; 14.4.2006; from Peshawar High Court, Abbottabad Bench)	What is the effect of wrongly merging abetment with conspiracy?	The High Court's order allowing bail was set aside because abetment was wrongly amalgamated with conspiracy; deep appreciation is not needed at the bail stage.
31	Bashumal v. The State , 2007 SCMR 1382 (Abdul Hameed Dogar, Saiyed Saeed Ashhad JJ; 16.10.2006)	Can bail be cancelled on alleged threats without hearing the accused?	No. Bail was cancelled in haste on alleged threats without letting the accused rebut. Once granted, bail cannot be cancelled without plausible, credible material of misuse.
32	Ehsan Akbar v. The State , 2007 SCMR 482 (Iftikhar Muhammad Chaudhry CJ, Abdul Hameed Dogar, Saiyed Saeed Ashhad JJ; 27.9.2006)	Are strong grounds needed to cancel bail?	Yes, strong and exceptional ones. Non-recovery of the weapon was not a valid ground for bail, so the bail was cancelled.
33	Muhammad Akram v. Zahid Iqbal , 2008 SCMR 1715 (Ijaz-ul-Hassan Khan, Zia Perwez, Mian Hamid Farooq JJ; 22.7.2008)	What must be shown for cancellation, and will the Court interfere in a murder case?	The bail order must be patently illegal, erroneous or factually incorrect, with a miscarriage of justice. The Supreme Court does not ordinarily interfere in murder cases where the trial is about to begin.
34	Muhammad Ashraf v. The State , 2008 SCMR 1372 (Mian Hamid Farooq, Sheikh Hakim Ali JJ; 14.7.2008) †	Can the High Court scrutinise a Sessions Judge's bail order?	Yes. The Additional Sessions Judge has the power to grant bail, but the High Court can scrutinise the exercise when it was on flimsy grounds contrary to settled principles; its power is not limited. A specific role, a prompt FIR and the postmortem supported cancellation, and the Supreme Court refused leave.
35	Haji Gul Rehman v. Imran-ud-Din , 2009 SCMR 1179 (Zia Perwez, Zawwar Hussain Jaffery, Sarmad Jalal Osmany JJ; 18.5.2009)	Is bail cancelled if the order ignores material?	Yes. Bail was cancelled where the order did not properly appreciate the material (telephone records, car tracker, pointation).
36	Kazi Talmiz v. Syed Maqbool Muhammad Shah , 2010 SCMR 605 (1.12.2009)	Can bail on medical grounds be cancelled once the ailment is said to be cured?	Not without proof. The medical board tests were normal and the opinion had been given; cancellation was refused.
37	Mazhar Iqbal v. The State , 2010 SCMR 1171 (Rahmat Hussain Jaffery, Ghulam Rabbani JJ; heard 21.12.2009) †	Does delay in the FIR justify bail in dacoity with killings?	Delay by itself is not enough unless supported by other circumstances. The accused was named and identified, and two persons were killed. The High Court's bail order on appeal was set aside.

No.	Citation	Question	Answer
38	Shahid Imran v. The State, 2011 SCMR 1614 (Mahmood Akhtar Shahid Siddiqui, Asif Saeed Khan Khosa JJ; 8.7.2011)	Are the considerations for grant and cancellation the same?	No, they are entirely different. No misuse of bail was alleged, so cancellation of pre-arrest bail by the High Court was set aside.
39	Nazir Ahmed v. The State, PLD 2014 SC 241 (Asif Saeed Khan Khosa, Ijaz Ahmed Chaudhry, Gulzar Ahmed JJ)	Can invalid grounds for sentence suspension and bail be corrected?	Yes. The High Court's grounds (police found the accused innocent in the challan case, delay in complaint, enmity, parity) were invalid; bail was cancelled. The judgment also sets out principles of propriety and practice.
40	Nasreen Bibi v. Farrukh Shahzad, 2015 SCMR 825 (Amir Hani Muslim, Ijaz Ahmed Chaudhry JJ; 3.3.2015; from Peshawar High Court, Abbottabad Bench)	Can a Magistrate grant post-arrest bail in a Sessions-trial offence?	No, not after the section 173 report. In a case under section 376 (trial by Sessions) the Magistrate only transmits the challan; his bail order was without jurisdiction and was cancelled. The Court also found the evidence prima facie connected the accused.
41	Mukhtar Ahmad v. The State, 2016 SCMR 2064 (Khosa, Manzoor Ahmad Malik JJ; 4.2.2016)	When is pre-arrest bail cancelled?	Where the injuries attracted non-bailable offences, the eyewitnesses stood by their statements, and the accused's earlier petition had been dismissed for absence.
42	Dr. Muhammad Tariq v. The State, 2017 SCMR 1944 (Khosa, Manzoor Ahmad Malik JJ; 7.9.2017)	Is bail cancelled in a section 489-F cheque case?	Not here. The petition failed: delay of 3 years 2 months, no prohibitory clause, three months already in jail, civil suit pending, challan submitted, no allegation of misuse.
43	Rana Abdul Khaliq v. The State, 2019 SCMR 1129 (Manzoor Ahmad Malik, Syed Mansoor Ali Shah, Qazi Muhammad Amin Ahmed JJ; 13.5.2019) †	What is pre-arrest bail in a cheque case?	An extraordinary remedy and a departure from the usual course; the High Court's confirmation on the ground that the accused did not misuse ad interim bail was wrong. Pre-arrest bail in a section 489-F case was cancelled.
44	Fawad Ali v. The State, 2019 SCMR 1641 (Asif Saeed Khan Khosa CJ, Ijaz ul Ahsan J; 25.7.2019; from Peshawar High Court)	What is the effect of a proclaimed-offender declaration or NBWs on bail?	They amount ipso facto to cancellation of bail. The petitions were dismissed as time-barred and also misconceived, since NBWs had issued against the respondents.
45	ANF v. Syed Paris Ali, 2019 SCMR 2027 (Manzoor Ahmed Malik, Sajjad Ali Shah, Qazi Muhammad Amin Ahmed JJ; 17.10.2019) †	Is bail cancelled when the medical ground is thin?	Not here. Piles did not justify bail by themselves, but the trial had commenced, would end soon, and bail had not been abused; section 497(5) is not punitive. Not every ailment entitles an accused to bail unless it is life-threatening or incurable in jail.
46	Sami Ullah v. Laiq Zada, 2020 SCMR 1115 (Sajjad Ali Shah, Syed Mazahar Ali Akbar Naqvi JJ; 8.5.2020; from Peshawar High Court, Mingora Bench)	What are the grounds for cancelling bail?	Seven: (i) patently illegal, erroneous or factually incorrect order causing miscarriage of justice; (ii) misuse; (iii) hampering evidence; (iv) likelihood of absconding; (v) interference with investigation; (vi) similar offence while on bail; (vii) fresh material of guilt. Where misuse is not shown, the court may decline cancellation even if the bail order is not sustainable in law, with remand possible if misuse later appears. Here the recall was unjustified and the petitioners were enlarged on bail.
47	Obidullah v. The State, 2020 SCMR 1970 (Mushir Alam, Qazi Faez Isa JJ; 29.7.2020; from Peshawar High Court, Bannu Bench) †	Is bail cancelled on tentative views that call for further inquiry?	No. Leave was refused. The High Court had considered that the woman accused made no concession in her section 164 statement; mere interest of the accused did not show easy virtue; the recovery of a cell number was no help.
48	Sidra Abbas v. The State, 2020 SCMR 2089 (Faisal Arab, Sajjad Ali Shah JJ; 10.9.2020) †	What is a perverse bail order?	One entirely against the weight of the evidence, passed ignoring material evidence or without reasons, or using irrelevant material. Such an order is liable to be recalled; here the High Court's order was set aside and bail cancelled.
49	Sharif Khan v. The State, 2021 SCMR 87 (Umar Ata Bandial, Mazhar Alam Khan Miankhel, Syed Mazahar Ali Akbar Naqvi JJ; 26.11.2020; from Peshawar High Court, Bannu Bench) †	Will superior courts interfere with a reasoned bail order?	Ordinarily not; very strong and exceptional grounds are needed. The accused had been declared innocent by the investigating officer on his alibi; the High Court's recall was set aside and bail restored.
50	Mst. Asia Qaseem v. Alamzeb, 2021 SCMR 302 (Mushir Alam, Sardar Tariq Masood, Mazhar Alam Khan Miankhel JJ; 19.11.2020; from Peshawar High Court) †	What if the grounds for bail are not borne out by the record?	The order is perverse. The three grounds relied on by the High Court (number of injuries, arms recovery, the complainant's section 164 statement) were contrary to the record; bail was cancelled.

No.	Citation	Question	Answer
51	Abid Hussain v. The State, 2021 SCMR 518 (Mazhar Alam Khan Miankhel, Qazi Muhammad Amin Ahmed JJ; 2.2.2021) †	Is pre-arrest bail cancelled for avoiding the process of law?	Yes. The accused twice secured ad interim bail, each dismissed for non-appearance; four injured persons implicated him; the earlier police clearance was later recalled. Pre-arrest bail was cancelled.
52	Syed Jawad Shah v. The State, 2022 SCMR 660 (Umar Ata Bandial, Syed Mazahar Ali Akbar Naqvi JJ; 15.10.2021)	Can pre-arrest bail be cancelled because the accused missed trial dates?	Not where pre-arrest bail was granted by a superior court (which the trial court cannot recall) and the accused, from a far-flung area, had been in custody over 4 months in an ineffective-firing case. The complainant had also told the High Court he had no objection. Bail was restored.
53	Abdul Majid Afridi v. The State, 2022 SCMR 676 (Maqbool Baqar, Syed Mazahar Ali Akbar Naqvi JJ; 8.11.2021) †	Is a bald conspiracy allegation enough to cancel pre-arrest bail?	No. The FIR gave no date, time, place or witnesses for the conspiracy, and a co-accused's section 164 statement did not advance the case. Considerations for grant and cancellation are on different footings, and leave was refused.
54	Muhammad Amjad Shahzad v. Muhammad Akhtar Shahzad, 2022 SCMR 1299 (Ijaz ul Ahsan, Munib Akhtar, Syed Mazahar Ali Akbar Naqvi JJ; 30.3.2022) †	When is post-arrest bail cancelled for killing family members?	Where the accused was nominated, the injuries were supported by medical evidence, he absconded, and the empties matched his pistol. The delay of 9 hours was explained. The High Court's bail was cancelled.
55	Cr. Ps. Nos. 1197-L and 1263-L of 2021, 2023 SCMR 1 (Umar Ata Bandial CJ, Syed Mansoor Ali Shah, Ayesha A. Malik JJ; 16.3.2022) †	Is pre-arrest bail cancelled in a section 489-F case that arose from a commercial dispute?	Not here. The cancellation petition was dismissed. The Court defined a perverse order as one passed against the weight of the material, ignoring it, or without applying the legal criteria or reasons.
56	Amir Faraz v. The State, 2023 SCMR 308 (Sardar Tariq Masood, Amin-ud-Din Khan, Syed Hasan Azhar Rizvi JJ; 9.1.2023) †	Is bail safe because the trial has started?	No hard and fast rule that bail should not be cancelled merely because the trial has commenced or is likely to; the question is whether the accused is entitled to bail under section 497. Bail was cancelled: a prompt FIR, medical support, a second investigation by three belated witnesses, and misuse by hampering the trial.
57	Shaukat Ali v. The State, 2024 SCMR 594 (Amin-ud-Din Khan, Syed Hasan Azhar Rizvi JJ; 15.1.2024) †	Do threats to the complainant party justify cancellation?	Yes. The accused was nominated with a specific role, and threats of dire consequences to the complainant amounted to misuse of bail. Bail was cancelled.
58	Rab Nawaz v. Shehzad Hassan, 2025 SCMR 1357 (Syed Mansoor Ali Shah, Ayesha A. Malik JJ; 26.3.2025) †	Is bail an unqualified right?	No. It may be withdrawn if misused, but none of the recognised grounds was attracted and the court does not appreciate the material deeply at bail stage. Leave was declined and the petition dismissed.

Part IV: 2000 onwards, Peshawar High Court

No.	Citation	Question	Answer
59	Naveed Ahmad v. The State, 2000 YLR 2820 (Tariq Pervez, Shah Jehan Khan JJ; 26.6.2000) †	Can a belated alibi support bail in murder?	Not when it is raised late and supported by affidavits of colleagues filed after 1.5 months. Bail granted by the Special Court on that plea was recalled and the accused taken into custody.
60	Aziz Khan v. The State, 2004 MLD 1408 (Ijaz-ul-Hassan Khan J; 2.6.2004) †	Is bail cancelled where there are two versions?	No. The version was a question for trial; the considerations for grant and cancellation are absolutely different; once on bail, liberty is not lightly interfered with.
61	Darya Khan v. Pasham Khan, PLD 2005 Peshawar 183 (Muhammad Raza Khan J; 27.4.2005) †	Is bail cancelled where the prosecution is double-minded?	No. The police had given a counter-version, the trial had commenced and nothing showed the accused had hampered the case since bail. The petition was dismissed.
62	Esa Khan v. Nawab Khan, PLD 2006 Peshawar 165 (Tariq Parvez Khan CJ; heard 8.6.2006)	Does section 497(5) cover bail granted by the police?	No. The SHO had no authority to release the accused on personal bonds. Such release is reached by the High Court under section 561-A or Article 199, not section 497(5).
63	Naseeb-ur-Rehman v. Dilawar Khan, 2006 YLR 1678 (Muhammad Raza Khan J; 24.4.2006) †	Should each accused's role be considered when cancelling bail?	Yes. Five women were not given specific roles and the medical report did not support the FIR, so their bail stood. The male accused had a positive role confirmed by the MLR and his bail was recalled.

No.	Citation	Question	Answer
64	Haji Muhammad Zaman v. The State, 2011 MLD 93 (Attaullah Khan J; 12.10.2010) †	On what basis is pre-arrest bail recalled in a murder case?	Where accused were directly charged in a prompt FIR for a day-light murder and the tentative assessment prima facie connected them. Pre-arrest bail requires proof of mala fide, which was absent.
65	Noor Nama v. Naqibullah, 2012 MLD 1339 (Qaiser Rashid Khan J; 24.2.2012) †	Is cancellation allowed where the injury is solitary and the FIR delayed?	No. A solitary leg injury was charged against three brothers, with unexplained delay and a mismatch with the MLR, and a blood feud. Cancellation was dismissed; strong, cogent and exceptional grounds, including misuse or tampering, are required.
66	Haji Hukmat Khan v. The State, 2012 PCrLJ 1018 (Qaiser Rashid Khan J; 20.1.2012)	Can a complainant who said he had no objection to bail later seek cancellation?	Not at will. The complainant had stated no objection on the ground of compromise; when the compromise failed he sought recall. The accused had been on bail over two years. The complainant cannot have the "discretion and prerogative" to give and withdraw his no objection. Application dismissed.
67	Sharifullah v. Abdul Waheed, 2013 YLR 1293 (Rooh-ul-Amin Khan J; 6.2.2013)	Do other FIRs justify recalling bail?	No. Mere registration of FIRs of a similar nature, without conviction, is not a ground. The case was one of further inquiry (no identification parade, three versions of the motorcycle's number). Section 497(5) does not command cancellation even in prohibited offences; the prosecution must give substantive proof.
68	Bazir v. The State, 2014 PCrLJ 1526 (Mrs. Irshad Qaiser J; 22.11.2013) †	Can bail be granted because a co-accused was acquitted while the accused absconded?	Not where the accused absconded for over two years until the co-accused was acquitted. An accused seeking parity with an acquitted co-accused must be treated alike, and the co-accused had been in custody until acquittal. Bail granting order set aside.
69	Asil Zada v. Baezzat Khan, 2014 PCrLJ 1787 (Abdul Latif Khan J; 4.7.2014) †	What if the accused absconded for decades?	Bail was cancelled where the accused had absconded 27 years, was prima facie involved in an offence within the prohibitory clause, and the court below had not assessed the material in true perspective.
70	Syed Ishaq Shah v. Shakir Shah, 2015 PCrLJ 860 (Yahya Afridi J; 25.2.2013) †	Are the grounds for recalling pre-arrest bail harsher than for granting it?	Yes. The principles can be equated with setting aside an acquittal. Bail was recalled because the lower appellate court did not address mala fide and the accused had not joined the investigation.
71	Inayat Ullah v. The State, 2015 PCrLJ 1575 (Ikramullah Khan J; 6.11.2014)	Can a Magistrate cancel conditional bail granted on compromise?	Yes, under section 497(5), which lets the High Court, Sessions Court or any other court cancel bail. The accused had been released on bail on the basis of a compromise, never challenged the condition, absconded and then played the same tactics before the High Court. His section 561-A petition to quash the cancellation failed.
72	Nisar Ahmad v. The State, 2016 PCrLJ 1790 (Muhammad Younis Thaheem J; 8.6.2016) †	Does the rule of consistency save an accused with a different role?	No. The court below misread the record: the accused had a distinguishable role from a co-accused on High Court bail, admitted his presence in his section 161 statement, absconded for a year, and the trial had commenced. Bail was recalled.
73	Ayesha Bibi v. Talha Mehmood, 2017 PCrLJ 1080 (Peshawar, Abbottabad Bench) (Ikramullah Khan J; 1.9.2016) †	What is the test for cancellation?	Strong and exceptional grounds; section 497(5) is not punitive. The court asks whether the order is patently illegal, erroneous, factually incorrect, or perverse, or whether the accused is making efforts to misuse bail by threats or tampering.
74	Rahmat Bar Khan v. Daulat Khan, 2017 YLR 1461 (Peshawar, Mingora Bench) (Ikramullah Khan J; 10.2.2017) †	Can a complainant who gave a no-objection later go back on it?	Not unless he shows coercion, influence or force. In a quashment petition the complainant had expressed no objection to confirmation of pre-arrest bail and to acquittal on compromise; if he thought the compromise lacked his consent he could have applied for cancellation of bail, which he had not.
75	Zaiwar Khan v. Sahib Zada, 2018 YLR 2025 (Peshawar, Mingora Bench) (Ishtiaq Ibrahim J; heard 14.2.2018) †	Can a public prosecutor's discharge application support bail in a murder case?	No. The District Public Prosecutor has no power under the KP Prosecution Service Act to withhold prosecution or seek discharge for a death-punishable offence; a bail order built on that application was illegal and set aside.
76	Tajbar Khan v. The State, 2018 PCrLJ 1096 (Peshawar, Mingora Bench) (Mohammad Ibrahim Khan J; 8.3.2018) †	Does decades of abscondence bar bail?	Not if the accused is otherwise entitled to post-arrest bail as of right. Abscondence of 38 years and 5 months did not bar bail where it was a case of further inquiry (same role as an acquitted co-accused, no eyewitness, one empty). Petition dismissed.

No.	Citation	Question	Answer
77	Malik Zafarullah Khan v. Murad Ali, 2019 MLD 906 (Peshawar, Bannu Bench) (Muhammad Nasir Mahfooz J; 31.1.2019) †	Is bail on statutory delay cancelled if the accused caused the delay?	Yes. Eleven witnesses had been examined, the trial was almost complete, and delay was due to the accused's successive bail applications and a fresh investigation at his request. Bail was cancelled.
78	Adnan Khan v. The State, 2020 PCrLJ 1001 (Ahmad Ali J; heard 2.12.2019)	Can a compromise deed give the complainant the right to have bail cancelled?	No. Section 497(5) cannot be made subservient to the complainant's consent; the prerogative to cancel is the court's. Here the deed fixed no time limit, no misuse was shown, and the petition was dismissed.
79	Gul Baz v. The State, 2021 YLR 2185 (Peshawar, Abbottabad Bench) (Ahmad Ali J; 20.4.2020) †	Does an unproven alibi support bail in murder?	No. The investigating officer had not confirmed the alibi; the accused was directly charged with indiscriminate firing, with eyewitnesses and medical support. Bail on grounds still to be established at trial was uncalled for; the order was perverse and was set aside.
80	Sajjad Ahmed v. The State, 2023 PCrLJ 1508 (Peshawar, Abbottabad Bench) (Wiqar Ahmad J; 6.2.2023) †	Do a mismatch of pistol bore, a 35-day delay in one eyewitness statement and the rule of consistency justify bail?	No. A pistol's bore cannot be fixed by sight alone; other evidence (complainant, postmortem, recovered weapon) supported the prosecution; and the fatal injury was attributed to this accused alone, so consistency with the co-accused did not apply. Bail was cancelled.
81	Mst. Sabiha v. Muhammad Asim, 2026 MLD 132 (Peshawar, Bannu Bench) (Dr. Khurshid Iqbal J; 16.6.2025)	Is notice to the victim mandatory before bail is granted?	Yes. Notice to the State and the victim is mandatory before a person accused of a non-bailable offence is released. Bail was granted without notice and was held against express provisions of law; the cancellation petition was allowed.
82	Muhammad Qayum v. The State, 2026 PCrLJ 1189 (Peshawar, Mingora Bench) (Salah-ud-Din J; 24.2.2025) †	Is bail granted for statutory delay cancelled where the trial lingers because of absent witnesses?	No. After more than two years from arrest the trial had not ended. The statutory period runs from arrest, not framing of charge. The court set out the seven grounds of cancellation from Sami Ullah and refused cancellation.

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