

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl. No.2373 of 2024

19.11.2024

Mr. Ahmed Ali Ghumro a/w Abdul Samee, Advocate for applicant.
Mr. Aamir Mansoob Qureshi, advocate for complainant.
Ms. Rahat Ahsan, Addl. P.G

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Daniyal Ali is seeking post arrest bail in Crime No.264/2022 U/s 302, 34 PPC of P.s. Gul Bahar, Karachi.

2. As per brief facts, complainant is not the eyewitness of the incident, however, he has registered FIR disclosing that he was informed on phone that on some dispute, his brother Kashif was murdered by applicant named as Ali in FIR and his brother Anas on 04.10.2022 on Plot No.2-F-8/10 Nazimabad No.2, Karachi In the investigation, applicant was identified as Daniyal Ali @ Ali, was arrested on 17.10.2022 and is in jail since.

3. The arguments propounded by his counsel for seeking bail are that complainant is not the eyewitness of the incident; applicant's name does not appear in FIR; no specific role has been assigned to him; there are contradictions in the evidence recorded in the trial; on 15 dates atleast witnesses were not produced by the prosecution. His arguments have been opposed by learned Addl. P.G and learned counsel for complainant on the ground that applicant has been assigned a very specific role of firing at the deceased alongwith his brother Anas; applicant is also known as Ali, hence such name has been mentioned in the FIR.

4. I have heard the parties and perused material available on record. In the trial four witnesses have been examined and they have prima facie implicated the applicant in the case to be the accused. It is settled proposition that when the trial has commenced and prima facie witnesses have implicated the accused, he cannot be extended concession of bail. Insofar as statutory delay ground is concerned, it appears that applicant has not agitated this ground before the trial court, secondly when the trial has commenced, the said ground is no more available to the applicant.

5. In view of above circumstances, I do not find any merit in this application and dismiss it. However, trial court is directed to expedite the trial, not to grant any adjournment to prosecution and procure attendance of witnesses by

employing all coercive methods and conclude it within six months without fail under compliance report to this court through MIT-II.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The bail application is disposed of.

J U D G E

A.K