

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.725 of 2024

05.06.2024

Ms. Rutaba Qureshi, Advocate for applicant.
Ms. Rahat Ahsan, Addl. P.G.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Abid Hussain is seeking post arrest bail in Crime No.1131/2022 U/s 320, 337-G, 322 PPC of P.S Shah Latif Town, Karachi.

2. As per allegations in FIR registered on 26.09.2022, applicant driving one Highace No.KIR-0574 negligently and recklessly hit the complainant performing his duty as traffic constable at main Quaidabad chowk and SIP Ghulam Mustafa and one passerby namely Shahbaz, in the course of which killing SIP Ghulam Mustafa and Shahbaz and critically injuring complainant. He was arrested on 27.09.2022 and has filed this application for post arrest bail on statutory ground that trial so far has not been completed. Learned counsel has reiterated above facts and ground and has relied upon case law reported as 2018 YLR 83.

3. Learned APG has opposed the bail citing case law reported as 2002 SCMR 1318.

4. I have considered submissions of the parties and perused material available on record including the case law relied upon by learned counsel. Applicant by negligent and rash act killed two innocent persons and injured complainant and was found driving the vehicle without a license even. In the trial statedly, four witnesses have been examined. When the trial is in progress, the statutory ground would not be applicable and accused would not be granted bail as has been laid down by Supreme court in the case reported as 2011 SCMR 1332. Therefore, no case for bail on statutory ground is made out. This application is dismissed. However, learned trial court is directed to expedite the trial and examine material witnesses within a period of three months, where after, the applicant would be at liberty to move bail application afresh, which, if filed, shall be decided by the trial court on its own merits.

The bail applications are disposed of in the above terms.

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