

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Criminal Bail No.S-159 of 2024

Applicant: Mirchoo alias Danau son of Suhrab Jatoi
The State: Through Mr. Aitbar Ali Bullo, Deputy Prosecutor General,
Sindh.
Date of hearing: 16.12.2024
Date of Order: 16.12.2024

O R D E R

SHAMSUDDIN ABBASI, J.- Through instant bail application, applicant Mirchoo alias Danau Jatoi seeks post-arrest bail in the case emanating from F.I.R No.68/2021, registered at Police Station Rustam for offence punishable under Sections 302, 311, 148, 149, 34 P.P.C. after his bail plea was declined by the learned III-Additional Sessions Judge, Shikarpur vide Order dated 01.02.2024.

2. During pendency of instant bail application, learned trial Court furnished progress report, which reveals that evidence of complainant ASI Abdul Razzak, PW/PC Sajid Ali, PC Gul Bahar, Dr, Tayaba, SIP/SIO Allah Dino and legal heirs of deceased Mst. Naseem has been recorded and the matter was adjourned for recording evidence of Tapedar, second Investigating Officer and one P.C. Shakeel Ahmed.

3. Record reflects that counsel for the applicant did not appear on 18.09.2024, 02.12.2024 even today i.e. 16.12.2024 none is in attendance on behalf of the applicant. It has come on record that most of the witnesses have been examined by the trial Court and the case is at the verge of conclusion and it has been settled that neither bail can be granted nor cancelled if the case is at the verge of conclusion as has been held by the Hon'ble Supreme Court of Pakistan in a case reported as **2011 SCMR 1332 (*Rehmatullah v/s. The State and another*)** that in such circumstances the Court should not grant or cancel the bail when the trial is in progress or at the verge of conclusion and proper course in such situation would direct the trial Court to conclude the trial of the case within specified period.

4. In view of above, instant Criminal Bail Application is dismissed with directions to the learned trial Court to conclude the trial of the case preferably within a period of two months in accordance with law.

Judge

Manzoor