

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail No.S-433 of 2023

Applicant: Anwar Ali son of Allah Warayo Shaikh,
Through Mr. Kaleemullah Baloch, Advocate.

The State: Through Mr. Imran Mubeen Khan, Assistant
Prosecutor General, Sindh.

Date of hearing: 21.09.2023

Date of Order: 21.09.2023

ORDER

SHAMSUDDIN ABBASI, J.- Through instant bail application, applicant Anwar Ali Shaikh seeks post arrest bail in the case emanating from F.I.R No.10/2022, registered at Police Station Abad Malani district Shikarpur for offence punishable under Sections 371-A, 371-B, 365-B, 376(ii) P.P.C 2/3 TIP Act, 2018 after his bail plea was dismissed by the learned III-Additional Sessions Judge, Shikarpur vide Order dated 20.06.2023.

2. Heard learned counsel for the applicant, learned Assistant Prosecutor General and perused the material available on record. The progress report furnished by the learned Trial Court reveals that the examination-in-chief of ASI/Complainant Ayaz, P.W. Haroon, P.W Irshad Ali was recorded and cross was reserved on the request of learned counsel for the applicant. Report further depicts that the case has not been proceeded due to frequent adjournments sought by the learned counsel for the applicant on various dates of hearing viz. 04.07.2023, 11.07.2023, 25.07.2023, 08.08.2023, 22.08.2023 and 29.08.2023. It appears that the applicant and his counsel are not proceeding with the matter and pressing his bail application before this Court which *prima facie* indicates their intention to

defeat the judicial system. It is not fair enough as the trial is under progress and P.Ws are in attendance but the matter could not be proceeded due to adjournments sought by learned counsel for the applicant on the flimsy grounds. It is well settled proposition of law that when the case is in progress neither the bail can be granted nor it can be rejected as per the dictum laid down in a case reported as 2011 SCMR 1332 (***Rehmatullah v/s. The State***). Therefore, instant Criminal Bail Application is dismissed with directions to the learned Trial Court to expedite the matter and conclude the trial within two months with further direction that no further adjournment shall be granted to the either party on any flimsy ground.

Judge

Manzoor