

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 32 of 2025

(Ghulam Shabbir Solangi v. The State)

Date of hearing : **18.08.2025**

Date of decision : **18.08.2025**

Mr. Abdul Baqi Jan Kakar, Advocate for the applicant.
Mr. Dhanraj, Advocate for the complainant.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

ORDER

Mahmood A. Khan, J. – By way of this application, bail is being sought by the applicant, who is facing trial for charges of FIR No.08 of 2022 of Police Station Muhabat Dero, District Naushahro Feroze, lodged under Sections 302, 341, 114, 337-H(2), 504, 148, 149, PPC. In the said FIR, the present applicant has been directly nominated as having caused the murder of one person by way of firing.

2. Learned Counsel for the applicant contended that in the present matter an earlier bail application bearing No. S-270 of 2024 had provided specific directions on 03.06.2024 requiring conclusion of the trial within three (03) months. However, the applicant is still behind bars as the learned trial Court in the matter caused reframing of charge on 22.10.2024, which now requires the re-conducting of examination of the witnesses as such, the applicant is liable to be considered on the ground of delay. Learned Counsel further contended that the trial Court is required to conduct expeditious and fair trial, and detention of the present applicant is not liable to be continued for an indefinite period for a cause of delay, to which he cannot be held responsible along with his Counsel. Learned Counsel, relying upon the diary sheets, contended that the diary sheets do not show that the applicant was responsible, and as such, the provision of delay entitles him to acquire bail. In this regard, he also contended that the

present applicant is not a dangerous person and a hardened criminal to be denied the grant of bail along with not being a habitual offender.

3. Learned Counsel for the complainant, however, contended that the delay is mostly on part of the accused, and in this regard, he has changed three Counsels. He further contended that the applicant is a habitual offender, and as such, his CRO contains 26 cases. It is also contended that the last witness was not examined on many dates, whereafter, the other accused have suddenly appeared who were earlier absconders causing the re-conducting of the evidence, and delay, as such, cannot be attributed to the complainant. Learned Counsel also contended that conduct of the accused in jail was questionable, and as such, his custody was transferred from one prison to another.

4. Learned Additional PG in the matter, however, contended that the present bail, in view of the reported authorities **PLD 2016 Supreme Court 11** and **PLD 2019 Supreme Court 112**, is not available as the merits were available in the earlier bail application, which was not pressed, and accordingly, directions were issued. It is also contended that specific allegation against the present applicant was available, empties were recovered, and in the last proceedings before reframing of charge, the evidence of only one *mashir* was left. It is also contended that the delay is not present on part of the prosecution or the complainant.

5. Learned Counsel for the applicant, however, in rebuttal, contended that the present bail application is made only on the ground of delay, and as such, other factors are not liable to be considered.

6. Having heard the learned Counsel and gone through the record, apparently, the background of the matter as per available record is that the present applicant had earlier filed a bail application, which was bearing No. S-270 of 2024, and the same was disposed of vide order dated

03.06.2024 with directions of concluding the trial within three (03) months. Thereafter, apparently, other accused persons have surfaced in the trial, and accordingly, charge was amended on 22.10.2024, and as such, the evidence is being re-conducted.

7. It appears also from the record that apart from the present applicant, the other accused have already on bail. Undoubtedly, the present applicant may come to an understanding that his detention, presently, is on account of conclusion of the trial. However, in this regard, it is surprising that the bail application has not been filed on any grounds of merits, apparently the evidence and material against the present applicant are already apparently present whereas only additional grounds may be available by the proceedings now being conducted. Undoubtedly, bail is available on the ground of delay also; however, in this regard, the said only ground, in the present circumstances, where the delay cannot be prima facie attributed to the conduct of the prosecution or the complainant, the same cannot be directly called in as the sole ground for entertaining or concession of bail, as to all the material available with the Court is liable to be looked into in the present circumstances.

8. In the present circumstances, though the bail is **dismissed**, learned trial Court is directed to ensure that the trial is attempted to be concluded within a period of two (02) months hereof.

J U D G E

Abdul Basit