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ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 345 of 2017.

Date of hearing	Order with signature of Judge
27.11.2017.	

1. For orders on office objections.
2. For hearing of bail application.

Mr. Nazir Ahmed Bangwar, Advocate for applicant.  
Mr. Sardar Ali Rizvi, D.P.G.

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**Muhammad Saleem Jessar, J:** Through this application, applicant Abdul Wahid seeks his admission to post-arrest bail in Crime No.44/2015 registered at P.S B-Section Kandhkot, for offences punishable under Sections 302, 148, 149, 506 (2), 337- H(2) P.P.C.

The allegation against applicant as per F.I.R lodged by complainant Master Jamaluddin Jaffer on 07.06.2015 is that he was in company of co-accused, when all of them entered into house of complainant, where he and co-accused Imam Bux pointed their guns at complainant party, whereas co-accused Ali Bux caused murder of son of complainant namely Ali Nawaz.

Learned counsel mainly, contended that though the applicant was declined bail by learned trial Court as well as by this Court, but he has been in jail since date of his arrest, i.e. 13.06.2015 and trial of the case is not concluded till date though this Court while dismissing bail application of the applicant vide order dated 11.11.2016 directed the trial Court to examine material witnesses within a period of four months and that no active role of making any fire to any member of complainant party including deceased is attributed to the applicant.

Learned DPG has not opposed the bail application. While complainant despite issuance of notice has chosen to remain absent.



Perusal of impugned order reflects that the applicant was arrested on 13.06.2015 and since this date, he is behind bars without any progress in the trial, as according to progress report furnished by the trial Court, the prosecution has been able to examine only some formal witnesses, but none of material witnesses has been examined. No doubt, the earlier bail plea of the applicant was declined by this Court, but it is well settled principle of law that, expeditious trial of the case is right of the accused and no one can be detained for indefinite period. In the instant case, the prosecution has failed to examine their material witnesses inspite of directions of this Court.

Since, mere presence has been shown and no active role or overt act is assigned to the applicant. The report furnished by trial Court is sufficient to hold that the delay so occurred in conclusion of the trial is not on the part of the applicant or anybody else acting on his behalf. As such his case requires further enquiry.

In view of above circumstances, the applicant has been able to make out a case for bail in his favor. Accordingly, instant bail application is allowed. Applicant is admitted to bail upon furnishing a solvent surety in the sum of Rs.300,000/- (Three hundred thousand rupees) and P.R bond in the like amount to the satisfaction of trial Court.

JUDGE  
9/11/12

Ansari/\*