

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

I-Cr. Bail Appln. No. S-60 of 2017

Date _____ Order with signature of Judge _____

For hearing of bail application.

16-10-2017

Mr. Shahbaz Ali M. Brohi, advocate for the applicants.

Ms. Robina Dhamraho, ADPP for the State.

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In compliance of order dated 13.09.2017, the applicant/accused has furnished fresh surety in the sum of Rs.300,000/- before the trial court on 29.09.2017 and such verification was sought which too was brought on record by order dated 02.10.2017. Learned counsel for the applicant files certain copies of case diaries dated 29.09.2017 and 02.10.2017 in Sessions Case No.798/2013, Re: State V/S Kouro and others, Crime No.50/2013 of P.S. Sultan Kot (U/S 302 P.P.C), issued by learned Sessions Judge Shikarpur, same are taken on record.

Learned A.D.P.P for the State raised no objection.

It appears that the applicant was granted interim pre-arrest bail by this Court on 13.02.2017 against his surety in the sum of Rs.300,000/- with P.R bond in the like amount to the satisfaction of Additional Registrar of this court. The report in respect of trial was called and learned Sessions Judge Shikarpur after having reports of the trial court had submitted before this court vide his office letter No.DJ/1871/2017, Shikarpur dated 02.03.2017. The report reveals that evidence of P.W-1 A.S.I/Suhino Khan, PW-2/PC Rehan Khan, PW-3/Dr. Ahsanullah Khan was recorded, while rest of the witnesses were not examined and the complainant party of this case have shifted away to some unknown places due to registration of F.I.R. No.26/2016 at P.S. Lakhi Ghulam Shah, under Section 302 P.P.C against them and therefore, the case was kept in abeyance by order dated 21.09.2016. Subsequently the accused Ali Gohar, Yaqoob and Abdul Karim were joined in the trial but again due to non-appearance of the private P.Ws again it was kept in abeyance by order dated 22.05.2017 by directing the accused Ali Gohar, Yaqoob, Qurban and Abdul Karim Kehar against their sureties in the sum of Rs.200,000/- each. Since the applicant has furnished fresh surety in the sum of Rs.300,000/- and P.R bond

in the like amount to the satisfaction of trial court in compliance of order dated 13.09.2017 and certified copy of case diaries dated 29.09.2017 and 02.10.2017 have been placed on record, although learned Sessions Judge has not mentioned the specific amount of surety yet issued the diary. Same are taken on record.

The complainant party of this case is absconding in Crime No.26/2016 under Section 302 P.P.C registered at P.S. Lakhi Ghulam Shah and the proceedings have also been stopped without passing any final order whether conviction or acquittal, no legal purpose will be served to linger-on the instant application till appearance of the complainant.

Accordingly instant application is allowed and the interim order dated 13.02.2017 is hereby confirmed with modification contained in the order dated 13.09.2017, whereby he was directed to furnish fresh surety before the trial court/Sessions Judge Shikarpur in the sum of Rs.300,000/- with one surety and P.R bond in the like amount to the satisfaction of learned trial court. The compliance of order dated 13.09.2017 has been made and therefore, instant application is hereby disposed of in the terms stated above.

Applicant is directed to appear before the trial court as and when summoned by it or the complainant or prosecution may file such application to get side of prosecution opened. Trial court shall also be at liberty to pass any appropriate order if the applicant may fail to appear and proceed with the case. Surety furnished by him before this court is hereby discharged.

Judge

Abdul Salamullah

Above order complied
on 24.07.2020

S. Q. Q. Q. Q.
Accountant. 24.7.2020