

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Cr.Bail Appln.No.S-908 of 2015
Cr.Bail Appln.No.S-909 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing.

25-05-2017

Applicants present on interim pre-arrest bail.

Mr. Sanaullah Khoso, Advocate for applicants in Cr.B.A.No.S908/2015

Mr. Shahid Ahmed Shaikh, A.P.G.

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ABDUL MAALIK GADDI, J- By this common order I intend to decide the above captioned Criminal Bail Applications as they arise out of the same FIR bearing Crime No.07 of 2013 for offence punishable U/Ss. 217, 409, 34 PPC r/w Section 5(2) Act-II, 1947 registered at police station A.C.E Shaheed Benazirabad. Applicants are present on interim pre-arrest bail and today their bail applications are fixed for confirmation or otherwise.

2. Facts of the prosecution case in nutshell are that on 09.12.2013 at 1600 hours complainant Syed Altaf Hussain Shah, Office Superintendent Sessions Court Narcotics Shaheed Benazirabad has lodged FIR, stating therein that as per compliance of learned District & Sessions Judge/Narcotic, Shaheed Benazirabad vide office order No.7792 dated 25.8.2012 and No.12722 dated 04.12.2013, complainant made complaint that Spl:case No.381/2011 re:State vs.Irfan Ali Rind and others U/s 9(c) Act-1997 (Crime No.127/2011 PS B-Section Nawab Shah is pending in the competent Court of law and in said case the recovered property from the accused i.e. Car bearing No.AFQ-999 Honda City Model-2000 of Silver Colour, the concerned police officials accused complainant of the case namely ASI Moula Bux, WHC Noor Hussain, SHO Wazir Ali

Rajar and ASI/ I.O Muhram Ali Khoso PS B-Section Nawab Shah in collusion with each other just to shield the accused persons, the recovered said car in violation of law have released and mis-appropriated the same so that they should save the required accused from punishment and from seizing of the case property. Despite repeated letters, all the four accused named above have not produced the case property and by doing above illegal act have committed the offence, hence this FIR.

3. It is stated by learned counsel for applicants that applicants are regularly appearing before the trial Court and according to him the applicants never jumped the concession of bail already granted to them and trial is about to conclude as there remains only one witness for evidence, but these bail applications are pending since 2015, whereby willingly the applicants/accused are suffering since long.

4. Conversely, learned A.P.G opposed the bail applications.

5. Admittedly, after grant of interim pre-arrest bail, the applicants are regularly attending the Court and these bail applications are pending since 2015. Further, the order dated 07.09.2015 shows that these bail applications were received by way of transfer from the Bench of this Court at Sukkur and since then on the one or other reasons the matters are being adjourned. However, perusal of record reflects that there is only allegation against applicants that they have released the vehicle in question in above mentioned case / crime and on this ground the applicants are facing trial. It also appears from the record that this Court vide order 22.11.2016 directed the trial Court to conclude the trial within three months with compliance report, but within the said stipulated period the trial has not been concluded, even otherwise it is yet to be determined by the trial Court whether the accused are involved in this case or otherwise and it is not known when case be concluded till then the case requires further probe

6. In view of above, the sufficient grounds are available for confirmation of bail of applicants/accused, therefore the same are hereby confirmed on same terms and conditions with direction to learned trial Court to conclude the trial as early as possible preferably within three months.

7. Before parting with the order, I would like to make it clear that my observation in this case shall not affect the merit of the case at trial.

JUDGE

Ahmed/Pa