

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

Cr. Bail Application No.1144 of 2016

| Date | Order with signature of Judge |
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Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Abdul Maalik Gaddi.

M.A. Rauf SiddiquiPetitioner

Versus

The State.....Respondent

Date of hearing 13.05.2019

Applicant is present with his counsel Mr. Aamir Nazir Shaikh advocate.

Mr. Sajid Mehmood advocate for the complainant.

Mr. Gul Muhammad Farooqi, Addl. P.G.

Muhammad Ali Mazhar, J: This bail application was allowed vide consolidated order dated 01.11.2016 with concluding paragraph as under:-

20. The applicants were granted bail vide our short order dated 1.11.2016 subject to furnishing solvent surety in the sum of Rs.5,00,000/- (Rupees Five Hundred Thousands Only) each with personal bond in the like amount to the satisfaction of the trial court. They were further directed to deposit their original valid passports in the trial court with further directions that they will not leave the country without permission of the trial court. At the same time, the learned trial court was also directed in the short order to conclude the trial within two months. Above are the reasons of our short order. The observations made in this order are tentative in nature and shall not prejudice the case of either party in the course of trial.

2. The applicant in Cr. B.A. No. 1144/2016 has filed an application (M.A. No. 151/2018) with the prayer to modify/alter short order dated 01.11.2016 to the extent of the condition of depositing of original passport in the trial court.

Though it is not mentioned in application but the applicant informed us that learned trial court has passed an order for the release of passport on furnishing surety in the sum of Rs. 2 Million and on the basis of which he used to travel from time to time with the permission of the trial court. The purpose of filing this application is to get rid of the condition of depositing the passport so that he may freely move and travel. Though no order is attached with this application to show that the learned trial court has passed any such order, however, once the trial court has already passed an order and according to the applicant also granted permission for some time to travel abroad on the basis of surety furnished in the trial court, therefore, it would be appropriate to move proper application in the learned trial court for reduction of the amount or release of passport. The present application has not been filed to challenge the order passed by the learned trial court. The applicant may move proper application in the learned trial court which will be decided by the learned trial court with independent application of mind after notice to the complainant and the prosecution within 15 days from the date of application, if any, filed by the applicant.

3. In our order dated 01.11.2016, we directed the ATC to conclude the trial within a period of two months but the applicant as well as the complainant's counsel and the prosecution all state that only charge has been framed and not a single witness has been examined so far. The learned trial court is directed to submit the progress report along with

reasons of delay as to why the directions have not been complied with. The report shall be submitted by the ATC through Registrar of this court in our chamber. The application is disposed of accordingly.

JUDGE

JUDGE

Aadil Arab