

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2424 of 2021

Date	Order with signature of Judge
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1. For order on MA No.14134/2021 (Urgency)
2. For order on office objection along with reply of advocate at flag “A”
3. For order on MA No.14135/2021 (Exemption)
4. For hearing of bail application

29.12.2021

Mr. Shah Imroz Khan, advocate for the applicant
Mr. Habib Ahmed, advocate / Special Prosecutor ANF

1. Urgency granted.
2. Office objections are disposed of in view of the order.
3. Granted subject to all just exceptions.
4. At the outset, both learned counsel agreed for disposal of this bail application, however, with direction to the learned trial Court to conclude the trial within a reasonable time in accordance with law.

The proposal seems to be plausible and exceeded to, therefore, this bail application is dismissed as not pressed. Resultantly, the trial Court is directed to conclude the trial within four (4) months. In case the trial is not concluded, within the stipulated period, the Applicant will be at liberty to move fresh Bail Application before the learned Trial Court on fresh ground if any and the learned trial Court shall decide the same on merit.

In such circumstances of the case, it has been observed in many cases that the directions given by this Court in bail matters are taken lightly. However, it is made clear that in future this practice shall not be continued by the trial Court; and strict adherence to the directions of this Court is to be made in its letter and spirit. In case of failure, legal consequences will follow.

Now it is well settled law that: To have a speedy trial, is the fundamental right of accused being universally acknowledged. Under the Criminal Procedure Code, smooth methodology and scheme for speedy trial, is provided whether it is held by the Sessions Court or Magistrate, in recognition of the said right of an accused person. This principle shall apply more vigorously to the trials before Special Courts, constituted under the CNS Act, or any other special law so that

unnecessary delay, much less shocking one in its conclusion is avoided in all circumstances. Any unreasonable or shocking delay in the conclusion of the trial, before Special Courts, would amount to denial of justice, or to say, denial of fundamental rights, to the accused, of speedy trial. In the meanwhile, MIT-II of this Court is directed to call monthly reports from all Special Courts (CNS) at Karachi, on the strength of third Proviso to Section 497 Cr.P.C, more particularly, in view the dicta laid down by the Hon'ble Supreme Court of Pakistan in the case of Imtiaz Ahmed Vs. The State, through Special Prosecutor ANF, (2017 SCMR 1194).

Bail application stands disposed of in the above terms.

JUDGE

Zahid/*