

# IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-262 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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17.04.2023

For orders on office objection.  
For hearing of main case.

Syed Tarique Ahmed shah, advocate for the applicant along with  
Mr. Ammar Ahmed, Advocate.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

**Amjad Ali Sahito, J:-** Through instant bail application, the applicant/accused namely, Mst. Sajida seeks post-arrest bail in Crime No.43/2022, registered at Police Station Islamkot for the offence under sections 324, 337-A (i), 337-F (i), 337-F (ii), 337-F (iii), 334, 34 PPC. Earlier the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-II, Tharparkat at Mithi vide order dated 24.03.2023.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant has mainly argued that the applicants/accused is innocent and has falsely been implicated in this case; that the role assigned against the applicant/accused is that only she along with unknown person has caught hold the injured Mst.Samina and subsequently Hyder Shah has inflicted knife upon injured. Learned counsel further argued that the role is assigned against co-accused Hyder Shah, however, though if any act of the applicant/accused in commission of offence as alleged is concerned, it is the trial Court to determine the same after recording evidence of the prosecution witnesses and the applicant/accused, who is confined in Jail cannot be kept behind the bars for an indefinite period, as such, she is liable to be admitted to post-arrest bail on the statutory ground of failure to conclude the trial as yet there is no progress in the case. Learned counsel further argued that a Criminal Bail Application bearing No.S-1164 of 2022 filed by the applicant/accused before this Court was not pressed and the learned trial Court was directed to expedite the trial and conclude it preferably within three months by examining the injured; however, only charge has been framed on 15.03.2023. He, therefore, prayed for grant of bail to the applicant/accused

and relied upon the case law reported in 2005 MLD 1267, 2012 PCr.LJ 1022, 2020 YLR Note 40 and 2022 MLD 469.

4. On the other hand, learned A.P.G. Sindh has vehemently opposed the grant of bail to the applicant/accused; however, she confirmed that applicant/accused has not inflicted any injury to the injured. Further, she added that yet only charge has been framed against the accused.

5. Notices were issued to the complainant but today he has called absent.

6. Heard and perused the record.

7. Admittedly, the applicant/accused has not caused any injury to injured. Only the role assigned against the applicant/accused is that she along with unknown caught hold the hands of injured Mst. Samina and thereafter one Hyder Shah has given knife blows to the injured at the back side and other parts of the body. Previously, the bail application filed by the applicant/accused was dismissed as not pressed on the ground that learned trial Court was directed to expedite the trial and conclude the same within three months but no compliance was made and only now charge has been framed. The applicant/accused being lady is behind the bars for last more than seven months and no progress has been made in the trial. Record further shows that the applicant was not produced by the Jail authorities before the learned trial Court, hence delay is not caused on the part of accused. As per jail record, the applicant/accused previously was not convicted nor involved in any other criminal case. Per learned counsel, the complainant has involved entire family of the applicant/accused in this case. The applicant/accused is no more required for further investigation. At the bail stage, only a tentative assessment is to be made.

8. In view of the above facts and circumstances and taking the guidelines from the cited case, learned counsel for the applicant/accused has succeeded to make out a case for grant of post-arrest bail. Consequently, the applicant/accused is admitted to post-arrest bail, subject to her furnishing a solvent surety in the sum of Rs.50,000.00 (Rupees fifty thousand only) and PR bond in the like amount to the satisfaction of learned trial Court.

9. It is made clear that if the applicant after getting bail will not appear before the trial Court and the trial Court is satisfied that the applicant become absconder and fugitive to law, then the trial Court is fully competent to take every action against the applicant/accused and her surety including cancellation of bail without referring to this Court.

JUDGE