

ORDER SHEET  
**IN THE HIGH COURT OF SINDH  
CIRCUIT COURT HYDERABAD**

Criminal Bail Application No.S-308 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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<u>16.05.2023</u>	For orders on office objection. For hearing of main case.
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None present for the applicant.

Mr. Sahir Ali Laghari, advocate for complainant.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

**Amjad Ali Sahito, J:--** Through instant bail application, the applicant/accused namely, Changez Khan alias Changez-Uz-Zaman seeks pre-arrest bail in Crime No.01/2023 for the offence under section 302, 337-H (ii), 34 PPC registered at Police Station Tando Jan Muhammad. Earlier, the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-I/MCTC, Mirpurkhas vide order dated 07.02.2023.

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

3. This bail application is repeatedly called but none appeared on behalf of the applicant/accused without any intimation. However, learned counsel for the complainant has contended that all the PWs have been examined before the learned trial and only there remains I.O. to be examined, who is also attending the learned trial Court, therefore, he prayed for dismissal of bail plea of the applicant/accused. Learned A.P.G. Sindh has opposed the grant of bail to the applicant/accused.

4. Since, the trial is in progress; evidence of entire prosecution witnesses has been recorded and only the I.O. of the case is to be examined. As per learned counsel for the complainant, I.O. is also attending the trial Court, and after his examination, trial would be concluded in near future. In this regard, I would like to refer the case of "*REHMATULLAH v. THE STATE and another*" [2011 SCMR 1332] where the Honourable Supreme Court of Pakistan has held that "*The courts should not grant or cancel bail when the trial is in progress and proper course for the courts in such a situation would be to direct the learned trial Court to conclude the trial of the case within a specified period.*" Trial of the instant case is in progress as all prosecution

witnesses have been examined and only I.O. is to be examined by the learned trial Court.

**5.** In view of the above, instant criminal bail application is **dismissed**. However, learned trial Court is directed to conclude the trial within thirty (30) days after receipt of this order without fail. No adjournment shall be granted to either party on any flimsy ground.

**6.** Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

\*Abdullah Channa/PS\*