

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-291 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>11.05.2023</u>	<ol style="list-style-type: none">1. For orders on office objections.2. For hearing of main case. <p>Mr. Altaf Sachal Awan, Advocate for applicant. Mr. Imtiaz Ali Abbasi, Advocate for complainant. Ms. Rameshan Oad, Assistant Prosecutor General, Sindh. ==</p>

O R D E R

AMJAD ALI SAHITO, J:-Through the instant criminal bail application, the applicant/accused seeks his post-arrest bail in Crime No.36 of 2021, registered under sections 302, 324, 147, 148, 149, 504 and 387 P.P.C, at P.S.Hatri, after his bail plea was declined by the learned Model Criminal Trial Court-I/1st Additional Sessions Judge, Hyderabad vide order dated 06.02.2023.

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

3. Per learned counsel applicant being innocent has been involved in this case falsely by the complainant party in order to satisfy its old grudge with him; that FIR of the incident has been lodged with delay of about one day and he has been attributed unspecified role of causing fire shot injuries to PW Shahbaz; that medical evidence is in conflict with the ocular evidence and injuries sustained by PW Shahbaz are under examination by medical board, therefore, applicant is entitled to be released on bail on point of further inquiry. He lastly contended that applicant / accused is in jail for last 15 months and no progress has been made by the learned Trial Court.

4. On the other hand, learned counsel for complainant vehemently opposed for grant of bail and states that all private witnesses have been examined before the learned Trial Court, as such, he submits that it is appropriate that once again learned Trial Court may be directed to expedite the matter and conclude the same within specific period such proposal is also not opposed by learned APG.

5. I have heard learned counsel for the parties having also gone through the material available on record.

6. From perusal of record it reflects that previously the bail application bearing No.S-254 of 2022 was filed by the applicant / accused before this Court was dismissed on merits along-with Criminal Bail Application No.S-472 of 2022; however the learned Trial Court was directed to expedite the matter and conclude the same preferably within three months after receipt of copy of this order. Being aggrieved the applicant had filed Criminal Petition No.106-K of 2022 before the Hon'ble Supreme Court wherein after arguing the matter learned counsel for the petitioner opted not to press the same but sought disposal of main case expeditiously. After dismissal of the bail application the charge was framed before the learned Trial Court and near about 4 / 5 witnesses were examined (all private witnesses) now only the official respondents

are to be examined. In the case of *Rehmatullah Vs. The State and another* **[2011 SCMR 1332]**, the Hon'ble 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.

7. By taking the guideline from the above cited law and the submissions made by learned counsel for the complainant that all private witnesses have been examined now only the case is fixed for evidence of official respondents and they are all in attendance. In such a situation, the instant bail application is dismissed; however, learned Trial Court is directed to expedite the matter and conclude the same preferably within fifty (50) days after receipt of copy of this order. It is made clear that no adjournment shall be granted to either party on flimsy grounds and trial Court would proceed with the matter on day-to-day basis and would submit such compliance report through Additional Registrar of this Court.

JUDGE

Muhammad Danish

