

**IN THE HIGH COURT OF SINDH AT KARACHI****Cr. Bail Application No. 23 of 2024**

APPLICANT : **Adeel**  
through Mr. Khuda Dino Sangi, Advocate

RESPONDENT : **The State**  
through Ms. Robina Qadir, D.P.G.

Date of hearing : 08-04-2024

Date of order : 08-04-2024

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**ORDER**

**OMAR SIAL, J.:** Adeel Islam has sought post-arrest bail in crime number 146 of 2022 registered under sections 392 and 397 P.P.C. at the Shahrah-e-Noor Jehan police station. His earlier application seeking bail filed before the learned 5<sup>th</sup> Additional Sessions Judge, Karachi Central was dismissed on 11.12.2023. This is the second bail application filed in this Court, the first one being dismissed on 10.05.2023.

2. The F.I.R. mentioned above was registered on 10.03.2022 on the complaint of one Muhammad Umar. Umar reported that earlier that day while he was riding his motor-cycle, he was intercepted and deprived of his mobile phone and motor-cycle by two armed men, who were also on a motor-cycle.

3. I have heard the learned counsel for the applicant who has limited his argument to the ground of statutory delay. I have also heard the learned Deputy Prosecutor General; who while agreeing there has been a delay in the trial argued that on a number of occasions the Presiding Officer remained absent. The complainant remained absent in spite of notice and repeated opportunities. My observations are as follows.

4. The impugned order shows that the ground of statutory delay was not raised before the learned trial court. The counsel representing the applicant at trial, had for the fourth time argued the application on merits. The learned trial judge was correct in his observation in the impugned order that three bail applications filed by the applicant had been dismissed by the trial court in the past and no new ground had been urged, hence the fourth bail application, was also dismissed.

5. It appears that for the first time, the ground of statutory delay has been raised before this Court. I would be happy to decide the application; however, I am of the view that the new ground should first be agitated before the learned trial court. The High Court deciding the application at this stage could mean that a forum for an aggrieved party to agitate its grievance is reduced.

6. While dismissing the bail application, the learned trial court is directed to use its best endeavor to hear and decide the bail application filed before it expeditiously.

JUDGE