

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.2481 of 2022

Amir Teli Malik Sarphata

Versus

The State

For hearing of bail application

14.02.2023

Mr. Farhan Zia Abrar, Advocate for Applicant
Ms. Sema Zaidi, Addl: PG Sindh a/w SI Muhammad Iqbal, PS
Chakiwara, Karachi

ORDER

Muhammad Iqbal Kalhoro, J:- As per brief facts, on 22.05.2012 Sindh Mohabbat Rally was held in Karachi by Karachi City Alliance and some other political parties, on the security of which, several police officials were deputed. At about 1545 hours, when the rally arrived at Chabba Street, South Napier, Karachi, some miscreants/terrorists made indiscriminate firing on it from nearby buildings and streets and hurled grenades, as a result of which, 06 persons died and 22 were injured. FIR of incident being Crime No.179/2012 was registered on the same day i.e. 22.05.2012.

2. Applicant's name is not mentioned in FIR. He was arrested on 11.03.2015 in some other case. In this case, he was formally arrested on 31.03.2015 and was put to identification parade on 08.04.2015 in which allegedly PW Noor Ahmed identified him to be the person, who was armed with a pistol and had fired on the rally. Except that no role has been attributed to applicant. It has not been specifically stated by the witness if from the firing of the applicant any one was injured or had died. In Challan 85 witnesses have been cited and out of whom only 15 witnesses have been examined so far, although applicant is in jail since 2015, almost eight years. There is nothing on record to show that delay in conclusion of the trial is on the part of applicant. It is an admitted position that prosecution has not succeeded to reach even half way to the end of the trial in the last eight

years. Looking at such slow pace of the trial it is not hard to extrapolate the time prosecution is likely to take to conclude the trial.

3. Expeditious trial is the right of the accused, which is guaranteed under the Constitution, and on no ground, it can be denied to the accused. In view of such circumstances, we are of the view that applicant has succeeded in making out the case for bail on the ground of delay in conclusion of the trial. Accordingly, this application is allowed and applicant is granted bail subject to furnishing a solvent surety in the sum of Rs.5,00,000/ (Rupees five hundred thousand) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

4. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge

Judge

Rafiq P.A.

