

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Date	Order with signature of Judge
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Cr. B.A No.2036 of 2022
Shahzad Ali @ Shahzado
Versus
The State

Cr. B.A No.2037 of 2022
Shahzad Ali @ Shahzado
Versus

For hearing of bail application

20.03.2023

Mr. Abdul Jalil Khan Marwat, advocate for applicant
Mr. Ali Haider Saleem, Addl: PG Sindh

ORDER

Muhammad Iqbal Kalhoro, J:- On 11.03.2022, police of Police Station New Karachi Industrial Area, Karachi, received spy information about presence of drug baron namely Shehzad and Saifullah. On such information, they reached near Abro Chowk and spotted two persons travelling in a car, who seeing the police party sped the car in order to avoid arrest. Police chased them and when they reached near Siddiq Abad graveyard in front of Bismillah Service Station, they alighted from the car and started shooting at the police, police retaliated in which one accused, who is applicant here, got injured, whereas his accomplice namely Saifullah made his escape good. Applicant was arrested and from him a 30 bore pistol loaded with 03 bullets without license was recovered. From search of car, 05 bags of Charas each weighing 01 k.g. and 02 kg heroin was recovered. Accordingly, applicant was booked in all three (03) cases.

2. The only ground urged by the applicant for seeking bail in the subject offences i.e. Crime No.245/2022, u/s 353, 324, 427, 34 PPC and Crime No.246/2022, u/s 23(i) A/25 Sindh Arms Act, 2013 both registered at Police Station NKIA, Karachi that prosecution witnesses are not appearing in the court although almost more than one year has passed, the trial court has issued warrants against them, which have not been executed upon the witnesses.

3. Learned Addl: PG Sindh in his reply has submitted that if direction are given to the trial court to conclude the case within a reasonable time, he will ensure its compliance.

4. We have considered submissions and are of the view that *prima facie* applicant is connected in the commission of heinous offences, i.e. police encounter, recovery of an unlicensed weapon and recovery of narcotics. The ground that prosecution witnesses are not coming forth to give evidence has been taken care of and addressed by the learned Addl: Prosecutor General adequately by making an undertaking that he will ensure production of the witnesses before the trial court without fail. In view of such position, we are of the view that direction to the trial court to conclude the case within a period of two (02) months would meet the ends of justice. Accordingly, these bail applications are dismissed; however, the trial court is directed to procure attendance of the witnesses at all cost by taking coercive measures, and if necessary by writing to the Inspector General of Police to ensure their presence and conclude the case within a period of two months. After two months, in any case, applicant would be at liberty to move afresh bail application.

5. Bail applications stand disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge Judge

Rafiq P.A.