

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Application No.840 of 2024.

Date	Order with signature of Judges
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For hearing of Bail Application.

09.10.2024.

Mr. Javed Anwar, Advocate for the Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.

Mohammad Karim Khan Agha, J:- Applicant Muhammad Younus was booked in FIR No.406/2022 under Section 376-II/337-J/34 PPC registered at PS Sohrab Goth, Karachi. He applied for post bail before Court of Additional Sessions Judge-III/Model Criminal Trial Court Malir Karachi which was declined vide order dated 18.03.2024. Hence the applicant approached this Court for post arrest bail.

2. Brief facts of the case as per FIR are that the applicant was the tenant of the complainant and the complainant regarded him as a friend as they were living in the same house. On 13.04.2022 at 2230 hours at night when the complainant was alone the applicant along with two unknown persons forcibly entered her house, one armed with knife and other with a pistol. The applicant took out read color bottle and force her to drink its contents whereupon the applicant physically assaulted and raped the complainant. Hence the aforesaid FIR was lodged against the applicant.

3. I have heard learned counsel for the applicant and learned Addl. Prosecutor General Sindh.

4. Applicant has approached this Court for post arrest bail only on the ground of statutory delay in concluding the trial. He was arrested on 14.04.2022 and so far remains in jail for approximately 2½ years. I have reviewed the diary sheets which reveal that no particular delay has been caused on the part of the applicant or

his counsel. Although the offence is serious one which carries death penalty or life imprisonment, under the law statutory bail on the ground of delay can be granted even in such like cases when the delay in completing the trial is over two years. In this case I also called the progress report from the concerned trial Court which shows that out of 07 PWs only 01 witness has been examined till date which indicates that trial will not complete in near future and take quite long time.

5. It has also been noted from the trial court's report that the complainant and victim are avoiding to appear before the trial Court and record their evidence and that the Court had to take necessary coercive measures against the complainant and the victim to ensure their attendance before the Court, however, this is has not met with any success.

6. Under these circumstances, when the applicant has served approximately 2½ years in jail and the delay in concluding his trial is not caused by him or his counsel but rather appears to be on the part of the complainant and the victim the applicant **Muhammad Younus s/o Shafi Muhammad** is admitted to post arrest bail on the grounds of statutory delay subject to furnishing his solvent surety in the sum of Rs.5,00,000/- (Rupees Five Lacs) and PR Bond in the like amount to the satisfaction of the Nazir of the concerned trial Court.

7. Copy of this order shall be sent to Additional Sessions Judge-III/Model Criminal Trial Court Malir Karachi who shall take steps to ensure that the trial is completed expeditiously and is not lingered on. No adjournment shall be allowed on any flimsy ground.

8. The instant criminal bail application stands disposed of in the above terms.

JUDGE