

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Crl. Bail. Appln. No.S-74 of 2025**  
**Crl. Transfer Appln. No.S-14 of 2025**

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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1. For orders on O/objection at flag-A.
2. For hearing of post-arrest bail.

**31.07.2025**

Mr. Yameen Ali Khoso, Advocate for applicant in Crl. Tr. Application No.S-14 of 2025.

Mr. Abdul Mujeeb Shaikh, Advocate for applicant in Crl. Bail Application No.S-74 of 2025

Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General for State.

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**JAWAD AKBAR SARWANA, J.:** The counsel for the applicant/complainant has submitted that on account of threat to life and liberty to the applicant/complainant, and given the background of the crime involved in the Sessions Case No.946 of 2024 currently pending in the Court of Additional Sessions Judge, Kandiaro (Re: Stvs Engineer & Others) arising from Crime No.175/2024 of PS Kandiaro, involving five persons being severely injured, three accused in custody in Prison and six accused having been declared as proclaimed absconders, the applicant/complainant filed with the District Sessions Court at Naushahro Feroze Criminal Transfer Application No.64/2024 for transfer of the Session Case from Kandiaro to any other Court. The applicant/complainant counsel submitted that these accused persons, who are also absconders, are from Kandiaro City, and he fears for his life and liberty as and when the appellant/complainant and the witnesses proceed to Kandiaro to attend hearings in the trial. Yet the District Sessions Court at Naushahro Feroze dismissed the Applicant/Complainant's Transfer Application vide Order dated 23.12.2024, hence this application.

2. Counsel for respondents/accused contends that, in fact, the complainant, his witnesses and accused persons are from the same Taluka. He relies on his own application filed before this Court in support of the contention. When this bench queried Counsel if his argument that there is no need for transfer of the case as both complainant and the accused reside in the same area, he could not substantiate the same by any document available on file, including

documents filed with the bail application, which is being listed with this Crl. Transfer Application. He candidly responded in the negative.

3. Learned Deputy Prosecutor General has submitted that the impugned order dismissing the transfer application has referred to the Witnesses Protection Act, 2013, which the applicant may invoke, such that as and when, the complainant and the witnesses attend hearings they will be offered police protection, travelling between Mehrabpur and Kandiaro, involving a distance of about 40 KMs. Therefore, given the 2013 Act, there is no need to transfer the Sessions case from Kandiaro to any other Court, in particular, as evidence has yet to start and the trial is ripe for evidence.

4. Heard counsel for the parties and DPG for the State and perused the material available on record.

5. The Counsel for the Appellant/complainant has put much emphasis on the fact that the Applicant/complainant and the witnesses have to attend hearings involving travel between Mehrabpur and Kandiaro, involving a distance of about 40 KMs. Although this alleged deterrence of distance is not pleaded in the Transfer Application, it cannot be a ground for transfer of the case. Indeed, to this end, the Applicant/Complainant has also not articulated anywhere that the distance of 40 KMs translates into increased travel and transport costs and expenses. But then this is no such ground for transfer. The Applicant/Complainant is at liberty to invoke the provisions of the Witness Protection Act, 2013, to safeguard his passage during trial proceedings. Accordingly, in the circumstances, this bench does not find any reason to interfere with the impugned Order dated 23.12.2024. As such, the Crl. Transfer Application No.S-14 of 2025 is dismissed.

6. The bail Application No.**S-74 of 2025** is adjourned to **11.08.2025** for hearing.

Office is directed to place a signed copy of this order in captioned connected matter.

**J U D G E**

*Ihsan/PS.*