

ORDER SHEET  
**HIGH COURT OF SINDH CIRCUIT COURT,  
HYDERABAD**

**Cr. Bail Application No.S-992 of 2025  
Cr. Bail Application No.S-1453 of 2025**

**DATE**

**ORDER WITH SIGNATURE OF JUDGE**

27.04.2026

Mr. Muhammad Sabir Hussain, advocate for applicants  
Syed Tarique Ahmed Shah, advocate for victim(s)/LR(s)  
Mr. Altaf Hussain Khokhar, Deputy Prosecutor General  
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Learned counsel for the applicants contends that this case falls within the judicial district Tando Allahyar, however, due to sensitivity, it was ordered for jail trial at Central Prison Hyderabad and the Presiding Officer is holding the Court inside the Prison at Hyderabad only once in a month, therefore, grave inconvenience is being caused to the applicants/accused, who are facing incarceration since last six years. He further contends that bail applications bearing No.S-1209 of 2022 & 12 of 2023 were dismissed by this Court on 27.03.2023 with directions to the trial Court to conclude the trial within three months, that could not be done. Thereafter, second bail application bearing No.S-1345 of 2023 was also dismissed vide Order dated 22.04.2024 with similar directions but again the trial had not concluded the trial and the applicant(s) filed third bail application bearing No.S-1051 of 2024 that was also dismissed by this Court on 13.01.2025 with directions to trial Court to complete all necessary legal requirements/formalities including but not limited to issuance of notices in terms of Section 87 & 88 Cr.P.C if the complainant and his witnesses are not appearing, decide the case preferably within sixty days. Counsel states that even then the trial Court had not concluded the trial although the proceedings under Section 87 & 88 Cr.P.C have been completed against the complainant and his brother being absent prosecution witnesses, as such the applicants are at the verge as neither trial is being concluded nor bail applications are being decided on statutory grounds and the applicants are being facing incarceration since last six years.

On the other hand learned counsel for the victim(s)/legal heir(s) states that notwithstanding with the fact that two prosecution witnesses have been declared absconders and proceedings under Section 87 & 88 Cr.P.C have been completed against them, yet still three more prosecution witnesses namely Anwar and Afsar and Iqbal are yet to be examined. Learned Deputy Prosecutor General conceded such contention.

Heard learned counsel for the parties and perused the material available on record with their able assistance.

Paramount consideration in the case is that the case has already come at the advance stage. Previously three bail applications of the applicants were dismissed by this Court with directions to trial Court to conclude the trial but unfortunately evidence could not be concluded due to absence of complainant and his brother (PWs). It is also fact that three above named prosecution witnesses are yet to be examined by the trial Court. No doubt that considerable occurred in the conclusion of the trial without fault of the applicants and since last four years even these three witnesses have also not been examined by the trial Court in addition to the complainant and his brother, inspite of directions issued by this Court.

Counsel for the victim(s)/legal heir(s) candidly agreed and undertake that on the next coming date i.e 04.05.2026, the aforesaid three witnesses will be produced before the trial Court. In view of such position of the case, the Presiding Officer of the trial Court is directed to record the evidence of above-named three witnesses on the aforesaid date and then conclude the trial strictly in accordance with law and in case said PWs did not appear, the trial Court shall take compulsory measures and thereafter fix the matter for final hearing in accordance with law.

At this stage both the Counsel consented that the Presiding Officer may be directed to hold trial at his normal Court instead of inside Prison since administrative difficulties are being faced on account of hearing once in a month. Accordingly, the Presiding Officer is at liberty to hold trial in his Court i.e at X<sup>th</sup> Additional District and Sessions Court Hyderabad in case the applicants move such application under Section 540 Cr.P.C, same may be considered by the Presiding Officer in accordance with law.

Both these bail applications are disposed of in the above terms.

JUDGE