

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Cr. B. A No.1665 of 2014

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DATE                      ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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For hearing

**13.01.2015**

Mr. Fazal-ur-Rehman, advocate for the Applicant.  
Ms. Seema Zaidi, APG.

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By order dated 13.5.2014 this court dismissed earlier bail application bearing Cr.B.A No.729/2013 with the following observations:-

“this bail application is dismissed. However, after one month if the case is not concluded the applicant may repeat bail application before the Trial Court in which he may take ground of statutory delay alongwith any other ground available to him”.

After almost eight months the position is same and case has not been concluded. The diaries of the learned trial Court upto 15.12.2014 have been filed in compliance of the order dated 15.12.2014. It appears that despite repeated summons, the PWs have not attended the trial Court. On 22.11.2014 02.12.2014 and 15.12.2014 the prosecution has failed to bring witness despite the notices were on PWs and on 06.11.2014 the PW, SI Rasheed Ahmed was bound down but case was adjourned as prosecution failed to produce case property. PW Rasheed who was bound down never turned up. The delay is squarely on the prosecution. Prosecution has failed to comply with the orders dated 13.05.2014 for conclusion of the trial, which was passed in earlier bail application No.729/2013. Learned counsel for the applicant is claiming bail for accused on the ground of statutory delay. Trial Court record fully support the version of the accused on the ground of delay. The accused was arrested on 23.09.2011. The delay is on the part of the prosecution. Learned counsel has relied upon the following case law.

- i. 1997 SCMR 436 (Ashok ...Vs...The State)
- ii. 1998 SCMR 228 (Shaukat Ali ...Vs...Ghulam Abbas and others)
- iii. 2002 P.Cr.L.J 412 (Mushtaque @ Pola...Vs...The State)

In view of the facts and the case law, applicant is admitted on bail subject to furnishing solvent surety in the sum of Rs.20,00,000/- and P.R bond in the like amount to the satisfaction of the Trial Court.

JUDGE

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