

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2674 of 2024

Applicant : Sitara Kanwal D/o Fida Hussain
through Mr. Javaid Anwar, Advocate

Complainant : Muhammad Nadeem S/o Lal Khan
through Mr. Liaquat Ali Khan, Advocate

Respondent : The State
through Ms. Rahat Ahsan, Addl. P.G.
SIP Muhammad Nawaz

Date of hearing : 27.02.2025

Date of order : 27.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.292/2023 for the offence under Sections 302/34 PPC registered at PS Shershah, after his bail plea has been declined by the IV-Addl. Sessions Judge, Karachi West vide order dated 11.10.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that no mobile phone was recovered from the possession of the applicant; that no evidence has been collected by the I.O. which confirms that the alleged offence has been committed by the applicant; that the applicant has a suckling baby and she has no concerned with the alleged offence; that the applicant is in jail and she is no more required for further investigation. Lastly, he prays for confirmation of bail.

4. On the other hand, I.O. present in Court states that in fact, the applicant was continuously in contact with the main accused Shahzad, who has given his house on rental basis so also deceased Muhammad Shahzad; that two mohalla people have identified the present applicant during the identification parade, as such, she is

not entitled for concession of bail. Learned counsel for the complainant while opposing the bail submits that on last three dates of hearing, complainant alongwith witnesses were in attendance but learned counsel for the applicant failed to proceed with the matter. Learned Addl. P.G. also opposed for bail.

5. Heard and perused.

6. From perusal of record, it reflects that complainant reported that he has received a call from PS Shershah that his brother Muhammad Shahzad has been murdered and he claimed present applicant alongwith her daughter Kanwal Bibi and one Muhammad Akram are involved in the murder of his brother. Thereafter, the investigation was started and after the arrest of present applicant, identification parade was conducted wherein two mohalla people have identified her as one of the accused. Further, the charge has been framed. Complainant and his witnesses are attending the Court but learned counsel for the applicant is avoiding to proceed with the matter. Since the charge has been framed and witnesses are in attendance; as such, reliance is placed in the case of **Rehmatullah v. The State (2011 SCMR 1332)** wherein the Hon'ble Supreme Court of Pakistan has held that the courts should not grant or cancel bail when the trial is in progress and proper course for the courts in such a situation would be to direct the learned trial Court to conclude the trial of the case within a specified period.

7. In view of the above, learned counsel for the applicants has failed to make out a case for grant of bail in view of subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is **dismissed**. However, learned trial Court is directed to expedite the matter and conclude the same within 60 days.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants/accused on merits.

JUDGE