

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.3005 of 2024

Applicant : Mst. Iqra wife of Attaullah
Through M/s. Hamood-ur-Rehman
Niazi and Muhammad Arshad,
Advocates

Complainant : Samiullah, through Mr. Muhammad
Akram Qureshi, Advocate

Respondent : The State
Through Ms. Rubina Qadir,
Additional Prosecutor General, Sindh

Date of hearing : 06.03.2025

Date of order : 06.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seek post-arrest bail in Crime No.40/2023 registered under Section 302, 34 PPC at PS Sukhan, Karachi, after his bail plea has been declined by IVth Additional Sessions Judge, Malir-Karachi vide order dated 18.12.2024.

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, the applicant/accused has falsely been implicated in this case only on the basis of statement of co-accused namely Sohail Bangash son of Hameed Gul. He further submits that lady has a suckling baby as such she is entitled for concession of bail on statutory delay ground. She is in jail for last two years and no progress has been made out before the learned trial Court. He further argued that on the

basis of CDR report the applicant/accused has been implicated in this case which is B-type of evidence. In support of his arguments, he has relied upon the following case laws:

- i. 2013 SCMR 669
- ii. 2023 SCMR 887
- iii. 2023 SCMR 304
- iv. 2023 SCMR 383
- v. 2023 SCMR 308
- vi. 2024 SCMR 1528.

4. On the other hand, learned counsel for the complainant as well as learned Additional Prosecutor General, Sindh vehemently opposed for grant of bail. Learned Addl. P.G states that all the material witnesses have been examined only two witnesses i.e. MLO and I.O of the case have to be examined. However, both the counsel are not interest to proceed with the matter for last nine months. Learned Addl. P.G, further submits that while recording 164 Cr.P.C statement of co-accused Sohail Bangash, he has implicated the present applicant/accused that she has facilitated him of committing murder on the basis of both will marry with each other. She further states that main accused Sohail Bangash was continuously in contact with her, as such she is not entitled for concession of bail.

5. Heard and perused the record.

6. From the perusal of the record, the instant FIR was registered against the unknown person, during course of investigation the main accused Sohail Bangash was arrested and police also recovered TT pistol from his possession so also recorded 164 Cr.P.C statement, where he has implicated the present applicant/accused on the ground that she facilitated him to opening the door of the said house at the time of committing the offence. Further, learned Addl. P.G, Sindh submits that CDR is also available on the record in which she was continuously in contact with him.

7. In the instant case, all prosecution witnesses have been examined only MLO and I.O of the case have to be examined. Per learned counsel for the complainant for last nine months the advocate of the accused person is not interested to proceed with the matter. 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.

8. In view of the above, learned counsel for the applicant / accused has failed to make out a case for grant of bail. Resultantly, the instant Bail Application is **dismissed**. However, learned trial court is directed to expedite the matter and conclude the same preferably within 30 days.

JUDGE

Hyder/PA