

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 112 of 2024

(Rizwan Ashique Arain v. The State & another)

Date of hearing : **02.12.2024**

Date of decision : **02.12.2024**

Mr. Riaz Ali Shaikh, Advocate for applicant.

Mr. Abdul Karim G. Luhrani, Advocate for respondent No.1.

Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General.

ORDER

Zulfiqar Ahmad Khan, J. – The applicant seeks transfer of Bail Application No.2556 of 2024, in Sessions Case No. Nil of 2024, arising out of Crime No.87 of 2024, registered at Police Station Bhiria Road, under Sections 452, 120-B, 147, 148, 149, 337H(ii), 354, 395, 427, 511, 144 PPC, from the Court of learned Sessions Judge, Naushahro Feroze to learned 2nd Additional Sessions Judge, Naushahro Feroze, as he has already decided bail application of co-accused or any other competent Court of law having jurisdiction.

2. It has been pointed out that bail application bearing No.2451/2024 of co-accused namely Ishaq Brohi has already been dismissed by learned 2nd Additional Sessions Judge, Naushahro Feroze in aforesaid crime, hence counsel for the applicant submits that propriety demands the Bail Application No.2556 of 2024 filed by the respondent No.1/ accused may be transferred to 2nd Additional Sessions Judge, Naushahro Feroze for its decision on merits.

3. Learned Counsel representing the Respondent No.1 submits that the learned 2nd Additional Sessions Judge, Naushahro Feroze has dismissed the bail application of co-accused in hasty manner without going through the merits of the case, hence he prays that bail application filed by the Respondent No.1 for which transfer has been sought may be assigned to learned Sessions Judge or any other Court having jurisdiction except 2nd Additional Sessions Judge, Naushahro Feroze.

4. The learned Deputy Prosecutor General (DPG) and counsel for the applicant mutually agreed that the bail application in question should be assigned to the learned Sessions Judge, either for hearing personally or for reassignment to another competent court with jurisdiction over the matter. The counsel for Respondent No.1 raised no objection to this arrangement.

5. Consequently, the listed Criminal Transfer Application is allowed. Bail Application No. 2556 of 2024, pertaining to the aforementioned crime, is withdrawn from the file of the learned 2nd Additional Sessions Judge, Naushahro Feroze, and transferred to the learned Sessions Judge, Naushahro Feroze. The Sessions Judge is directed to either proceed with the case in accordance with the law or transfer it to any other competent court having jurisdiction.

J U D G E

Faisal Mumtaz/PS