

ORDER SHEET

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

Cr. Bail Application No.S-312 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
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24.06.2025.

Mr. Ghulam Farooque Abbasi, Advocate for applicants/accused.

Mr. Shawak Rathore, Deputy Prosecutor General for the State.

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Learned Prosecutor states that all prosecution witnesses have been examined before learned Trial Court, and now only evidence of Maalkhana Incharge remains to be recorded. He further states that case is in progress before the learned trial Court.

In case of **Rehmatullah v. The State and another (2011 SCMR 1332)**, wherein the Honorable Supreme Court of Pakistan has held that 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. For brevity of the case, the relevant portion of above mentioned case law is reproduced as under;

“3. Heard. The petitioner was granted bail on 21-11-2008, which was cancelled by the learned High Court on 19-3-2009, when according to the order itself the trial was at the verge of conclusion. Learned Additional Prosecutor General stated that now only one or two witnesses are yet to be recorded. 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. Reference may be made to Haji Mian Abdul Rafique v. Riaz ud Din and another (2008 SCMR 1206). We find that the impugned order was passed in violation of the law, therefore, we cannot subscribe to it. In view whereof, we are persuaded to allow this petition and direct the learned trial Court to conclude the trial of the case expeditiously.

4. *For the foregoing reasons, present petition is converted into appeal, allowed and bail granting order dated 6-4-2009, passed by this court, is confirmed. However, learned trial Court is directed to conclude the trial of the case within a period of two months from the date of receipt of copy of this order.*

In view of above cited case law of Honourable Supreme Court of Pakistan, the instant Bail Application is **dismissed**. However, the learned trial Court is directed to expedite the proceedings and conclude the trial preferably within Forty Five (45) days.

JUDGE

Ali.