

**IN THE HIGH COURT OF SINDH KARACHI**  
**Cr. Bail Application No.1110 of 2026**

Applicant : Kashif Ali son of Lutuf Ali  
Through Mr. Ahmed Ali Ghumro,  
Advocate

Complainant : Shifaullah son of Ameer Ali  
Through Syed Amir Ali Shah, Advocate

Respondent : The State  
Through Mr. Ali Raza Abbasi, A.P.G.

Date of hearing : 11.05.2026  
Date of order : 11.05.2026

**ORDER**

**MIRAN MUHAMMAD SHAH, J:-** Through this bail application, the applicant Kashif Ali son of Lutuf Ali, seeks post-arrest bail in Crime No.345 of 2024, registered at Police Station Sukhan, Karachi, under sections 462-B, 462-C and 34 PPC. Earlier his bail application was dismissed by the learned Additional Sessions Judge-I/(MCTC) Malir, Karachi, vide order dated 19.03.2026.

2. The facts of the case need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are stated in detail therein.

3. I have heard learned counsel for the applicant, learned counsel for the complainant as well as learned APG and perused the record.

4. It reflects from the record that the bail application of the applicant on merits was already dismissed by this Court vide order dated 21.11.2024 passed in Cr. B.A. No.1921 of 2024, wherein the learned trial Court was directed to conclude the trial expeditiously. The present application has been filed on the ground of statutory delay in the conclusion of the trial. The record reveals that the applicant is in custody since his arrest on 14.06.2024 and has

undergone incarceration for nearly two years. Despite the lapse of such a considerable period, even the charge has not yet been framed. The perusal of the case diary shows that the delay in the conclusion of the trial is not attributable to the applicant or his counsel. Rather, the proceedings have been delayed due to the absence of certain co-accused who are on bail and the non-production of some co-accused who are in custody, by the jail authorities. Consequently, the trial Court has been unable even to frame the charge. In the case diary dated 16.02.2026 the trial court itself has mentioned that "*It appears from the case diaries of this case that on each date of hearing many accused one by one remained absent and due to these reasons neither copies were supplied completely nor charge has been framed, and advocates for accused persons used to move adjournment applications. Whereas two accused namely **Kashif and Altaf in J/C suffers.***" Similar observations have also been recorded by the learned trial Court in the case diaries dated 02.02.2026 and 09.02.2026. It is evident from the record that the applicant who is in custody has not been contributed the delay in any manner. The hardship suffered by him due to prolonged incarceration cannot be ignored. The legislature has expressly confined the delay under the third proviso to an act or omission of the 'accused' or any person acting on his behalf. The accused cannot be made liable to the act or omission of a co-accused. In this regard, reliance may be placed on the case of *Muhammad Usman Vs The State and another* (2024 SCMR 28). In the circumstances discussed above, the applicant has successfully made out a case for the grant of post-arrest bail on the ground of delay in the conclusion of the trial. Consequently, the instant bail application was allowed, and the applicant was admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court, vide short order dated 11.05.2026. These are the reasons for the same.

5. Needless to mention here that the observations made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits.

Criminal bail application stands disposed of.

**JUDGE**

Suleman Khan/PA

