

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Crl. Transfer A.No.S- 07 of 2021**

Date of hearing	Order with signature of Judge.
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- 1.For orders on office objection.  
2.For Hearing of Main Case

**31-05-2021**

Mr. Niazuddin N. Memon Advocate along with Applicant.  
Mr. Irshad Hussain Dharejo Advocate for private Respondents.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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The applicant/complainant by way of instant Criminal Transfer Application under Section 526 Cr.P.C has sought for transfer of her Special Case No.23 of 2014 re: State-Versus Irshad Hussain and others, arising out of Crime No. 25 of 2014 registered at P.S, Sorah-Khairpur, under Sections 436, 447, 147, 148, 149, 120-B, 295, 504, 337H(ii) PPC read with Section 7 ATA from the Court of learned Judge, Anti-Terrorism, Khairpur to any other Anti-Terrorism Court of other district mainly for the reasons that she has lost confidence to get fair and impartial justice at the hands of learned trial Judge, as he has got good terms with the accused persons/respondents, who are enjoying the concession of interim pre-arrest bail since 2014.

Learned counsel appearing on behalf of the private respondents/accused as well as learned Deputy P.G for the State opposed the grant of instant Crl. Transfer Application.

Heard learned counsel for the parties and perused the entire material available on record. On perusal of progress report dated 25.03.2021, submitted by learned Judge, Anti-Terrorism Court, Khairpur, wherein he has categorically disclosed that he took over the

charge on 16.05.2018 and since then the accused persons are attending the trial Court on interim pre-arrest bail till last date of hearing i.e. 05.03.2021, but surprisingly till last date of hearing, their interim pre-arrest bail has not either been confirmed or otherwise by learned trial Judge for the reasons best known to him. Even otherwise, the contention of learned counsel for the applicant/complainant is that the respondents/accused are enjoying the concession of interim pre-arrest bail since 2014, as such the ground of applicant/complainant that she has lost confidence to get fair and impartial justice at the hands of learned trial Judge having good terms with the accused, carries weight.

In view of the above, Special Case No.23 of 2014 re: State-Versus Irshad Hussain and others, arising out of Crime No. 25 of 2014 registered at P.S, Sorah-Khairpur, under Sections 436, 447, 295, 337H(ii), 120-B, 504, 427, 147, 148, 149 PPC read with Section 7 ATA is hereby withdrawn from the file of learned Judge, Anti-Terrorism Court, Khairpur and entrusted to learned Judge, Anti-Terrorism Court-1, Sukkur with directions to transferee Court to first decide the bail applications of the respondents/accused for pre-arrest bail within a period of one week and thereafter conclude the trial of the case in accordance with law, within a period of 30-days positively, under compliance report to this Court through Additional Registrar.

Instant Crl. Transfer Application stands disposed of in the above manner.

**JUDGE**

Ahmad