

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.D-10 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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Before:

Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Amjad Ali Sahito.

Date of hearing: 23.08.2022

Date of order: 23.08.2022.

Mr. Ishrat Ali Lohar, Advocate for applicant.

Mr. Jangoon Khan, Special Prosecutor NAB.

ORDER

MUHAMMAD IQBAL KALHORO, J- Applicant standing a trial in Reference No.04 of 2017 is seeking post arrest bail by means of this application on the ground of hardship and delay in conclusion of the trial, citing various orders passed by this Court previously for early disposal of the case in the attempts made by him to seek identical relief, besides an order passed by the Hon'ble Supreme Court in Civil Petition No.363-K of 2020 dated 25.08.2020 directing the trial Court to conclude the trial within three months.

2. As per facts, the petitioner purchased a land measuring 13-32 acres situated in Deh Seri Taluka Qasimabad District Hyderabad from Dr. Farah Illahi wife of Liaquat Ali vide registered sale deed. Over the said property M/s. Gold Star Builders and Developers had already announced a Project under the name and style of Indus Town Housing Scheme which was subsequently changed to Memon City Housing Scheme by present petitioner. Petitioner also claimed to have purchased an additional area of 13-32 acres from Mir Imran Ali and Syed Muhammad Ali Shah who has executed a General Power of Attorney in favour of the petitioner. The petitioner then got himself involved in the said business of selling and booking of the plots to interested buyers and an issue of conversion of amenity plots and layout plan was brought to light.

3. Learned Counsel for the applicant submits that applicant is aged about 82 years, is suffering from multiple diseases and is ready

to resolve the issue by compensating and / or redressing the grievances of affectees by giving them a plot as agreed. He further submits that out of 67 witnesses cited in the case so far only 15/16 witnesses have been examined and keeping in view such position it is not hard to extrapolate the time, the trial is likely to take to conclude. The applicant was arrested on 21.08.2019 on dismissal of his pre-arrest bail and since then he is in jail more than three years.

4. Learned Special Prosecutor General for NAB has opposed the relief to the applicant but states that if conditional bail is granted to the applicant for resolving the issue, he would concede to it.

5. We have heard the parties and perused the material available on record including the previous orders passed by this Court as well as by the Hon'ble Supreme Court. Admittedly, the applicant is in jail since 21.08.2019 and so far the trial has not reached even half way, let alone near to conclusion as directed. Learned Defence Counsel has expressed willingness to resolve the issue of affectees by either compensating them or giving them the plots against which the money was collected by applicant within a period of 06(six) months. We find it reasonable proposal and keeping in view the term of detention, the applicant has already endured, and the pace of the trial, we allow this application and grant post arrest bail to the applicant subject to furnishing a solvent surety in the sum of Rs.500,000/- (Rupees Five Hundred Thousand) and P.R Bond in the like amount to the satisfaction of learned trial Court, and with direction to him to resolve the issue as undertaken in the terms as stated above. On his failure, NAB would be at liberty to file application for recalling this order before this Court.

6. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

JUDGE

Shahid