

ORDER SHEET
**IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD**

Criminal Bail Application No.S-148 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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<u>07.04.2023</u>	For orders on office objection. For hearing of main case.
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Mr. Ghulamullah Chang, advocate for applicant along with applicant, who is present on interim pre-arrest bail.

Mr. Imran Ahmed Abbasi, A.P.G. Sindh.

Amjad Ali Sahito, J:-- Through instant bail application, the applicant/accused namely, Hamid Ali Biraamani seeks pre-arrest bail in Crime No.89/2013 for the offence under section 324, 147, 148, 149, 114 PPC registered at Police Station Johi, District Dadu. Earlier, the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-III, Dadu vide order dated 10.02.2023.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant has mainly argued that the applicant/accused is innocent and has falsely been implicated in this case, which was registered in the year 2013 and after grant of bail, the applicant/accused was attending the Court for last seven years but his case was not being proceeded and decided. He submitted that when the applicant/accused remained absent, his bail was cancelled. He, therefore, submitted that the bail plea of applicant/accused was not dismissed on merits but due to absence, as such, he prays that the interim pre-arrest bail granted to the applicant/accused may be confirmed.

4. On the other hand, learned A.P.G. Sindh has opposed the confirmation of bail to the applicant/accused.

5. Heard and perused. Record reflects that there was ineffective firing and the accused was attending the Court, as per learned counsel, since last seven years. However, it was unfortunate that the learned trial Court has not decided the case despite lapse of seven years whereas, the case appears to be of no evidence. In view of the above, instant criminal bail application is

allowed and interim pre-arrest bail granted earlier to the applicant is hereby confirmed on the same terms and condition laid down therein. However, keeping the long pendency of the case of the applicant/accused, learned trial Court is directed to conclude the trial within fifteen (15) days after receipt of this order without fail and submit such progress report before this Court through Additional Registrar.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Abdullah Channa/PS