

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

Criminal Bail Application No.S-206 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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<u>15.05.2023</u>	For orders on office objection. For hearing of main case.
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Mr. Muhammad Aslam Bhatti, advocate for applicant along with applicant, who is present on interim pre-arrest bail.

Mr. Meer M. Buriro, advocate for complainant.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Amjad Ali Sahito, J:-- Through instant bail application, the applicant/accused namely, Imran Khalil seeks pre-arrest bail in Crime No.246/2022 for the offence under section 489-F PPC registered at Police Station Tando Adam City, District Sanghar. Earlier, the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-I, Tando Adam vide order dated 27.02.2023.

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 contended that the applicant/accused is innocent and has falsely been implicated in this case and after grant of bail, the applicant/accused is attending the Court regularly. He further contended that the complainant and mashir have been examined before the trial Court, as such, the trial of the case is about to conclusion. He, therefore, submitted that the interim pre-arrest bail granted to the applicant/accused may be confirmed.

4. On the other hand, learned counsel for the complainant has vehemently opposed the grant of bail to the applicant/accused on the ground that he issued a cheque of huge amount which was dishonored.

5. Learned A.P.G. Sindh has half heartedly opposed the confirmation of bail to the applicant/accused.

6. Heard and perused. Admittedly, the offence does not come within the ambit of prohibitory clause of section 497 (1) Cr.P.C. The applicant/accused is not required for further investigation. Two witnesses viz. complainant and mashir have been examined before the learned trial Court, as

such, the trial of the case is likely to conclude in near future. The Honourable Supreme Court of Pakistan in the case of *“REHMATULLAH v. THE STATE and another”* [2011 SCMR 1332] has held that *“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.”* Trial of the instant case is in progress as two witnesses, complainant and mashir have been examined.

7. 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, learned trial Court is directed to conclude the trial within forty five (45) days after receipt of this order without fail.

8. 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 applicant on merits.

JUDGE

Abdullah Channa/PS