

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 2491 of 2022

Date	Order with signature of Judge
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For hearing of bail application

24th July 2023

Mr. Nehal Hashmi advocate for the applicant

Mr. Talib Ali Memon APG

Mr. Shiraz Ahmed Bhatti advocate for the complainant

Salahuddin Panhwar, J.- This is fourth bail application filed by applicant before this Court. While arguing the bail application, the learned counsel for the applicant urged ground of statutory delay in conclusion of trial by contending that since the date of arrest, the applicant is behind the bars and still the case is not concluded, hence he is entitled to be released on bail on the ground of statutory delay.

2. In contra learned APG as well as learned counsel for the complainant while opposing have contended that no delay has been caused by the prosecution and the case is at the verge of conclusion as material witnesses have been examined by the trial Court and only four witnesses are remaining to be examined whose evidence would be recorded within shortest time.

3. Heard and perused the record.

4. It would be suffice to say that in order to establish that delay in conclusion of trial was not occasioned because of the accused or one acting on his behalf but was happened due to prosecution. However, in the present case, perusal of diaries produced by the counsel for the applicant reflects that on different dates of hearings the counsel for the applicant was absent. Thus, the conclusion of trial could not exclusively be attributed on the prosecution but the defence is also equally responsible. The present case is at the verge of conclusion as admittedly, material witnesses have been examined and only four witnesses are yet to be examined and it is

assured by learned APG that the evidence of the remaining witnesses shall be recorded without any further delay.

5. For the foregoing reasons, the instant bail application is **dismissed**. However, learned trial court is directed to conclude the trial of the case within two months from the date of receipt of this order.

JUDGE

Sajid